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United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15251-15300

[Approved by the Secretary of Agriculture, Washington, D. C., January 21, 1928]

15251. Adulteration and misbranding of olive oil. U. S. v. 16 Gallons, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20086, 20121. I. S. Nos. 24524-v, 24968-v. S. Nos. E-5314, E-5337.)

On May 27 and June 12, 1925, respectively, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 16 gallons and 1 case containing 24 half-gallon tins of olive oil, remaining in the original unbroken packages, in part at New Haven, Conn., and in part at Hartford, Conn., alleging that the article had been shipped by Pace & Sons, Providence, R. I., in various consignments, on or about October 1, 1924, February 28, and May 9, 1925, respectively, and transported from the State of Rhode Island into the State of Connecticut, and charging adulteration and misbranding with respect to a portion of the product and misbranding with respect to the remainder thereof, in violation of the food and drugs act as amended. The article was labeled in part: "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Contents One Full Gallon (or "Contents One Half Gallon")." A portion of the article was further labeled: "This oil is our own production and is guaranteed to be pure under any chemical analysis. It is used for * * * medicinal use."

Adulteration of the half-gallon cans of the article was alleged in the libel for the reason that cottonseed and sesame oils had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding of the said half-gallon cans of the article was alleged for the reason that the labeling bore certain statements as follows: "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Contents One Half Gallon Packed in Italy * * * This oil is our own production and is guaranteed to be pure under any chemical analysis * * * for * * * medicinal use," which statements led the purchaser to believe that the product was as represented, when in truth and in fact it was not. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it purported to be a foreign product when in fact it was a product of domestic manufacture packed in the United States.

Misbranding of the gallon cans of the article was alleged for the reason that the label bore the statement "Contents One Full Gallon," which statement led the purchaser to believe that the article was as represented, when in truth and in fact it was not, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 20, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15252. Adulteration and misbranding of butter. U. S. v. 826 Pounds of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21919. I. S. Nos. 3547-x, 3548-x. S. No. C-5465.)

On April 28, 1927, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 826 pounds of butter, remaining in the original unbroken packages at South St. Paul, Minn., alleging that the article had been shipped by the Foster Cooperative Creamery, Eau Claire, Wis., April 21, 1927, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (carton) "Pasteurized Creamery Butter * * * One Pound Net Weight."

It was alleged in the libel that the article was adulterated, in that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement "One Pound Net" was incorrect, the package containing a less amount of butter.

On May 4, 1927, Armour & Co., Chicago, Ill., having appeared as claimant for the property and having consented to its condemnation and forfeiture, judgment was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reworked and not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15253. Adulteration of shell eggs. U. S. v. 15 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21970. I. S. No. 15586-x. S. No. C-5480.)

On or about June 11, 1927, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 cases of eggs, remaining in the original packages at New Orleans, La., alleging that the article had been shipped by H. F. Wehmeyer, Brenham, Tex., on or about June 9, 1927, and transported from the State of Texas into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From H. F. Wehmeyer * * * Brenham, Texas."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, paragraph 6, under food, in that part of the said eggs were rotten and decomposed.

On July 7, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15254. Adulteration of shell eggs. U. S. v. 10 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21969. I. S. No. 15579-x. S. No. C-5479.)

On or about June 8, 1927, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of eggs, remaining in the original packages at New Orleans, La., alleging that the article had been shipped by L. S. Black, Weir, Miss., on or about June 6, 1927, and transported from the State of Mississippi into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From L. S. Black * * * Weir, Miss."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, paragraph 6, under food, in that part of said eggs were rotten and decomposed.

On July 7, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15255. Adulteration of cherries. U. S. v. 900 Cases of Cherries. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 21536. I. S. No. 4751-x. S. No. C-5105.)

On January 17, 1927, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 900 cases of canned cherries, remaining in the original unbroken packages at St. Louis, Mo., consigned by B. E. Winchell, Penn Yan, N. Y., alleging that the article had been shipped in interstate commerce from the State of New York into the State of Missouri, on or about September 4, 1926, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (can) "Pride of Egypt Brand * * * Red Sour Pitted Cherries Guaranteed and Distributed by Egypt Canning Co. Inc., Fairport, N. Y."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 3, 1927, the Yates County Canning Co., Penn Yan, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reshipped to Penn Yan, N. Y., and salvaged under the supervision of this department, upon the execution of a bond in the sum of \$6,000, in conformity with section 10 of the act, and that the claimant pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

15256. Adulteration of oranges. U. S. v. 330 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21807. I. S. No. 16589-x. S. No. E-6049.)

On March 22, 1927, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 330 boxes of oranges at Wilkes-Barre, Pa., alleging that the article had been shipped by Geo. C. Guthrie, So. Lake Weir, Fla., on or about March 15, 1927, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.

On June 6, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15257. Adulteration and misbranding of butter. U. S. v. 900 Pounds of Butter. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 21945. I. S. No. 4692-x. S. No. C-5473.)

On May 18, 1927, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 900 pounds of butter, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Terry Dairy Co., Little Rock, Ark., on or about May 7, 1927, and transported from the State of Arkansas into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (carton) "Red Rose Brand Butter Manufactured by Terry Dairy Co. Little Rock, Ark. * * * Quarters * * * 16 Ounces."

It was alleged in substance in the libel that the article was adulterated, in that it contained less than 80 per cent of butterfat, the percentage of butterfat prescribed for butter by the act of March 4, 1923, which the said article purported to contain.

Misbranding was alleged for the reason that the statement "16 Ounces," borne on the label, was false and misleading and deceived and misled the purchaser, since the carton contained less than 16 ounces of butter.

On June 1, 1927, the Terry Dairy Co., Little Rock, Ark., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to the said claimant to be reworked to conform to the weight and butterfat content required by law, upon the execution of a bond in the sum of \$1,000, and payment of the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

15258. Adulteration of canned blackberries. U. S. v. 17½ Cases of Canned Blackberries. Default order of destruction entered. (F. & D. No. 21247. I. S. No. 811-x. S. No. W-2003.)

On August 23, 1926, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17½ cases of canned blackberries, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Kelley Packing Co., Chehalis, Wash., on or about September 19, 1925, and transported from the State of Washington into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (can) "Kelley's Perfek-Pak * * * Blackberries * * * Kelley Packing Co., Chehalis, Wash."

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a decomposed or putrid vegetable substance.

On October 30, 1926, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15259. Adulteration of canned blackberries. U. S. v. 120 Cases and 117 Cases of Canned Blackberries. Default decrees of destruction entered. (F. & D. Nos. 21165, 21225. I. S. Nos. 484-x, 810-x, 9584-x. S. Nos. W-1995, W-2000.)

On July 27, and August 12, 1926, respectively, the United States attorney for the District of Utah, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 237 cases of canned blackberries, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the Pacific American Fisheries, from Seattle, Wash., in part on or about April 12, 1926, and in part on or about April 16, 1926, and transported from the State of Washington into the State of Utah, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Perfek-Pak Blackberries Kelley Packing Co., Chehalis, Washington."

It was alleged in the libels that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On October 30, 1926, no claimant having appeared for the property, decrees of the court were entered adjudging the product adulterated and ordering its destruction by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15260. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21967. I. S. No. 17309-x. S. No. W-2163.)

On or about June 14, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Idaho Creamery Co., Rupert, Idaho, May 25, 1927, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On June 27, 1927, the Idaho Creamery Co., and W. A. Snapp, Rupert, Idaho, claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claim-

ants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15261. Adulteration and misbranding of macaroni. U. S. v. 19 Boxes of Macaroni. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21524. I. S. No. 14439-x. S. No. C-5307.)

On January 10, 1927, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 boxes of macaroni, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by A. Morici Co., Chicago, Ill., December 6, 1926, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Triumph Brand Bologna Style * * * Artificially Colored * * * Manufactured and Guaranteed by Chicago Macaroni Co., Chicago, U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, an imitation egg alimentary paste, containing little or no egg, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of another article.

On February 23, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15262. Adulteration and misbranding of macaroni. U. S. v. 58 Cases and 42 Boxes of Macaroni. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21506, 21523. I. S. Nos. 14419-x, 14438-x. S. Nos. C-5301, C-5306.)

On December 29, 1926, and January 10, 1927, respectively, the United States attorney for the Eastern District of Wisconsin, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 58 cases and 42 boxes of macaroni, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by G. Matalone, Chicago, Ill., in part November 5, 1926, and in part December 16, 1926, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act as amended. A portion of the article was invoiced: "Genova and Bologna Style Paste." The remainder of the said article was labeled in part: "Triumph Brand, Bologna Style * * * Artificially Colored * * * Manufactured and Guaranteed by Chicago Macaroni Co., Chicago, U. S. A."

Adulteration of the article was alleged in the libels for the reason that an artificially colored imitation egg alimentary paste containing little or no egg, with respect to the "Genova and Bologna Style Paste," and an imitation egg alimentary paste, containing little or no egg, with respect to the "Triumph Brand" macaroni, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of another article. Misbranding was alleged with respect to the "Genova and Bologna Style Paste" for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 23, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

- 15263. Adulteration of canned salmon.** U. S. v. 708 Cases, et al., of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21958. I. S. Nos. 60-x, 62-x, 63-x, 12647-x. S. No. W-2159.)

On June 13, 1927, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,657 cases of canned salmon, remaining in the original unbroken packages at Alameda, Calif., alleging that the article had been shipped by the Red Salmon Canning Co., from Naknek, Alaska, on or about August 9, 1926, and transported from the Territory of Alaska into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (can) "Red Crown Brand * * * Alaska Red Salmon * * * Frank B. Peterson Co., Agts, San Francisco, Cal."

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On June 28, 1927, the Frank B. Peterson Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the filing of a personal surety bond in the sum of \$8,500, conditioned in part that it be made to conform to and with the provisions of the law, under the direction of and to the satisfaction of this department.

W. M. JARDINE, *Secretary of Agriculture.*

- 15264. Adulteration of canned green beans and canned stringless beans.** U. S. v. 943 Cases No. 2 Can Green Beans, 246 Cases No. 10 Can Green Beans, and 46 Cases Canned Stringless Beans. Tried to the court. Judgment for claimant regarding No. 2 cans; product ordered released. Judgment for Government regarding remainder; product ordered condemned, forfeited, and destroyed. (F. & D. Nos. 20670, 20671. I. S. Nos. 4254-x, 4255-x, 4257-x. S. Nos. C-4890, C-4891.)

On or about December 1, 1925, the United States attorney for the Northern District of Oklahoma, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 943 cases, each containing No. 2 size cans, of green beans, 246 cases, each containing No. 10 size cans, of green beans, and 46 cases of canned stringless beans, in part at Tulsa, Okla., and in part at Bartlesville, Okla., alleging that the article had been shipped by the Litteral Canning Co., Fayetteville, Ark., on or about September 29, 1925, and transported from the State of Arkansas into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled variously: "Lorraine Brand Cut Green Beans," "5 Brothers Brand * * * Cut Green Beans," "Faycano Cut Stringless Beans * * * Packed by Litteral Canning Co., Fayetteville, Ark."

It was alleged in substance in the libels that the article was adulterated, and was unfit for human consumption as food, in that the said cans and containers contained putrid and decomposed matter.

On March 31, 1927, the Litteral Canning Co., Fayetteville, Ark., having appeared as claimant for the property and the two libels having been consolidated into one cause of action, the case came on for trial before the court without a jury. After the submission of evidence and arguments by counsel, the court handed down judgment for the claimant with reference to the No. 2 cans of the product and ordered that it be released. The court found that the evidence with reference to the No. 10 cans of the product was sufficient, and ordered that it be condemned and forfeited, and destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

- 15265. Adulteration of tomato paste.** U. S. v. 103 Cases, et al., of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21532. I. S. Nos. 18431-x, 18432-x. S. No. E-5215.)

On January 17, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 437 cases and 109 cans of tomato paste, remain-

ing in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by R. Gerber & Co., from Sharpsville, Ind., November 29, 1926, and transported from the State of Indiana into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (can) "Concentrated Tomato Concentrato di Pomidoro Liberty Bell Brand."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 20, 1927, John S. Mitchell, Inc., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$6,000, conditioned in part that a portion be segregated from the balance and shipped to the claimant, in care of the Sharpsville Canning Co., Sharpsville, Ind., to be destroyed under the supervision of this department, and the remainder released.

W. M. JARDINE, *Secretary of Agriculture.*

15266. Adulteration of tangerines. U. S. v. 47 boxes of Tangerines. Default order of destruction entered. (F. & D. No. 21805. I. S. No. 16587-x. S. No. E-6047.)

On March 17, 1927, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 47 boxes of tangerines at Wilkes-Barre, Pa., alleging that the article had been shipped by the Umatilla Fruit Co., from Paola, Fla., on or about March 3, 1927, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Red Warrior Brand," and the remainder was labeled "Dis Am Grown in Dixie Brand."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.

On April 14, 1927, no claimant having appeared for the property, and the product having been condemned by the properly constituted authorities, a decree was entered ordering that it be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15267. Adulteration of rum flavored cherries. U. S. v. 6½ Dozen Bottles of Rum Flavored Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21657. I. S. No. 12734-x. S. No. W-2097.)

On February 21, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6½ dozen bottles of rum flavored cherries, remaining in the original unbroken packages at Denver, Colo., alleging that the article had been shipped from Seattle, Wash., on or about January 20, 1927, and transported from the State of Washington into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (bottle) "Non-Alcoholic Chocolate Covered Rum Flavored Cherries. Manufactured by Robinette's, Inc., * * * Seattle, Wash." (sticker) "Chocolate Covered Cherries."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, in the case of confectionery, in that it contained alcohol.

On June 11, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

- 15268. Adulteration and misbranding of chocolate coating.** U. S. v. 10 Bags and 19 Bags of Chocolate Coating. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21826. I. S. No. 13253-x. S. No. E-6052.)

On April 14, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 bags of chocolate coating, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Massachusetts Chocolate Co., from Boston, Mass., on or about November 30, 1926, and transported from the State of Massachusetts into the State of Maryland, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Arena Flavored Choc. Coating 200 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive shells, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Choc. Coating," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 16, 1927, the Massachusetts Chocolate Co., Boston, Mass. having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold or disposed of contrary to law, nor until inspected and approved by a representative of this department.

W. M. JARDINE, *Secretary of Agriculture.*

- 15269. Adulteration and misbranding of canned tomatoes.** U. S. v. William E. Morris (Burlington County Canning Co.). Plea of guilty. Fine, \$200. (F. & D. No. 21585. I. S. Nos. 13691-x, 13692-x, 13693-x, 13694-x.)

On May 27, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William E. Morris, trading as the Burlington County Canning Co., Vincentown, N. J., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, on or about August 25, August 31, September 10, and September 16, 1926, respectively, from the State of New Jersey into the State of Pennsylvania, of quantities of canned tomatoes, which were adulterated and misbranded. A portion of the article was labeled, in part: (cases) "Tomatos."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, added tomato puree, tomato pulp, or juice from tomato skins and cores, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Tomatos," borne on each of a number of the cases containing the article, was false and misleading, in that the said statement represented that the article consisted solely of tomatoes, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted solely of tomatoes, whereas it did not, but consisted, in part, of added puree, tomato pulp, or juice from tomato skins and cores. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, tomatoes.

On June 6, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

- 15270. Adulteration of oranges.** U. S. v. 38 Boxes of Oranges. Decree of condemnation, forfeiture, and destruction entered. (F. & D. No. 21850. I. S. No. 14561-x. S. No. E-6087.)

On April 6, 1927, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and con-

demnation of 38 boxes of oranges, remaining in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by L. Maxcy, Inc., Wauchula, Fla., on or about March 11, 1927, and transported from the State of Florida into the State of Connecticut, and charging adulteration in violation of the food and drugs act. The article was labeled in part "L. Maxcy, Inc., Frostproof, Florida, Supreme Brand Quality and Pack, Oranges—Grapefruit—Tangerines."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated in that it consisted of a decomposed vegetable substance.

On April 25, 1927, the claimant for the property having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15271. Adulteration and misbranding of beef scrap and bone, and misbranding of beef scrap. U. S. v. Edward D. Smith (Independent Mfg. Co.). Plea of guilty. Fine, \$200. (F. & D. No. 21569. I. S. Nos. 688-x, 692-x, 11851-x, 11852-x, 11853-x.)

On May 10, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward D. Smith, trading as the Independent Mfg. Co., Philadelphia, Pa., alleging shipment by said defendant, in violation of the food and drugs act as amended, in various consignments, on or about March 10, and April 1, 1926, from the State of Pennsylvania into the State of Maryland, of quantities of beef scrap and bone which was adulterated and misbranded, and on or about February 16, and March 2, 1926, from the State of Pennsylvania into the State of California, of quantities of beef scrap which was misbranded. The beef scrap and bone was labeled in part: "Independent's 55% (or "50%") Beef Scrap and Bone Guaranteed Analysis Protein 55% (or "50% Min.") * * * Made by Independent Manufacturing Co., Philadelphia, Pa." The beef scrap was invoiced: "Beef Scrap 50%."

Adulteration of the beef scrap and bone was alleged in the information for the reason that beef scrap and bone containing less protein than declared on the label had been substituted for beef scrap and bone containing 55% of protein, or 50% of protein, as the case might be, which the article purported to be.

Misbranding of the beef scrap and bone was alleged for the reason that the statements "Guaranteed Analysis Protein 55%," or "Guaranteed Analysis Protein 50% Min.," borne on the labels of the respective lots of the article, were false and misleading in that the said statements represented that the article contained 55% of protein, or 50% of protein, as the case might be, and for the further reason that it was labeled as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained 55% of protein, or 50% of protein, as the case might be, whereas the article contained less protein than so declared. Misbranding of the said beef scrap and bone was alleged for the further reason that it was offered for sale and sold under the distinctive name of another article.

Misbranding of the beef scrap was alleged for the reason that it was offered for sale under the distinctive name of another article, namely, "Beef Scrap 50%," to wit, beef scrap containing 50% of protein, whereas it contained less than 50% of protein. Misbranding of the beef scrap was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 22, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200.

W. M. JARDINE, *Secretary of Agriculture.*

15272. Adulteration of oysters. U. S. v. Carol Dryden and Nelson R. Coulbourn (Carol Dryden & Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 21605. I. S. No. 13441-x.)

On June 6, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Carol Dryden and Nelson R. Coulbourn, co-partners, trading as Carol Dryden & Co., Cris-

field, Md., alleging shipment by said defendants, in violation of the food and drugs act, on or about Feb. 16, 1927, from the State of Maryland into the State of New Jersey, of a quantity of oysters which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the said article purported solely to be, and in that valuable constituents, oyster solids, had been, in part, abstracted from the said article.

On June 21, 1927, a plea of guilty to the information was entered on behalf of the defendants, and the court imposed a fine of \$25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

15273. Adulteration of canned cherries. U. S. v. 41 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20247. I. S. No. 17250-v. S. No. E-5427.)

On July 16, 1925, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 41 cases of canned cherries, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (can) "Pride of Egypt Brand * * * Red Sour Pitted Cherries Guaranteed and Distributed by Egypt Canning Co., Inc. Egypt, N. Y."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On October 27, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15274. Adulteration of canned string beans. U. S. v. 99 Cases of String Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20630. I. S. No. 4237-x. S. No. C-4873.)

On November 19, 1925, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 99 cases of string beans, remaining in the original unbroken packages at Lawton, Okla., consigned by the Litteral Canning Co., Fayetteville, Ark., alleging that the article had been shipped from Fayetteville, Ark., on or about September 5, 1925, and transported from the State of Arkansas into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Our Favorite Brand Cut Stringless Beans * * * Packed by Litteral Canning Co., Fayetteville, Ark."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On October 18, 1926, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15275. Adulteration of grapefruit. U. S. v. 360 Boxes of Grapefruit. Default decree of condemnation, forfeiture, and destruction entered. (F. & D. No. 21854. I. S. No. 2577-x. S. No. C-5447.)

On March 31, 1927, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 360 boxes of grapefruit, remaining in the original unbroken packages at Oklahoma City, Okla., alleging that the article had been shipped by W. E. Lee & Co., Inc., from Thonotosassa, Fla., on or about March 21, 1927, and transported from the State of Florida into the State of Oklahoma, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Good Nature Oranges-Grapefruit-Tangerines, Marshseedless Grade Run—W. E. Lee & Co., Inc., Carlot Distributors * * * Plant City, Fla."

Examination of the article by this department showed that it consisted wholly or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.

On April 30, 1927, the Dawson Produce Co., Oklahoma City, Okla., claimant, having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15276. Adulteration of tomato catsup. U. S. v. 36 Cases, et al., of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 21916, 21930, 21931, 21932. I. S. Nos. 13376-x, 13378-x, 13379-x, 13380-x. S. Nos. E-6133, E-6137, E-6138, E-6140.)

On or about May 12, May 20, and May 21, 1927, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 106 cases and 350 bottles of tomato catsup, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the E. A. Ransing Sons, or by the E. A. Ransing Sons, trading as the Lancaster Vinegar Co., Lancaster, Pa., on or about May 4, 1927, and transported from the State of Pennsylvania into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Ransing Daisy Brand Tomato Catsup * * * E. A. Ransing Sons, Lancaster, Pa., L. V. Co."

It was alleged in the libels that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On June 23, June 28, and June 29, 1927, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15277. Adulteration of oranges. U. S. v. 372 Boxes of Oranges. Decree of condemnation entered. Product released under bond. (F. & D. No. 21830. I. S. No. 13967-x. S. No. C-5435.)

On or about March 24, 1927, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 372 boxes of oranges, remaining in the original unbroken packages at Chattanooga, Tenn., alleging that the article had been shipped by the Nocatee Citrus Growers Assoc., from Nocatee, Fla., on or about March 11, 1927, and transported from the State of Florida into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Honey Sweet Brand Florida Citrus Exchange * * * Peace River Valley Fru't Nocatee Citrus Growers Assn., Nocatee, Florida."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in substance in the libel that the article was adulterated, in that a product, namely, frosted oranges, or a decomposed vegetable substance, had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article consisted in whole or in part of a decomposed vegetable substance.

On March 26, 1927, J. L. Jenkins Co., Chattanooga, Tenn., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be salvaged under the supervision of this department, and the unfit portion destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

15278. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22007. I. S. No. 20026-x. S. No. 35.)

On July 21, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure

and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Greensboro Creamery Dairy, Greensboro, N. C., alleging that the article had been shipped from Greensboro, N. C., on or about July 18, 1927, and transported from the State of North Carolina into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the package.

On August 12, 1927, the Greensboro Creamery Dairy, Inc., Greensboro, N. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15279. Adulteration and misbranding of butter. U. S. v. 9 Tubs, et al., of Butter. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 22009, 22012. I. S. Nos. 20002-x, 20018-x, 20019-x. S. Nos. 15, 33.)

On July 13, and July 19, 1927, respectively, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 22 tubs and 9 boxes of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Darter Butter Co., alleging that the article had been shipped from Bristol, Va., in two consignments, on or about July 16, and July 14, 1927, respectively, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. The portion of the product contained in boxes was labeled, in part: "Swan Butter Pasteurized Darter Butter Co., Bristol, Va." (on side of box) "Lilly Butter, Pasteurized. Mf'd by Darter Butter Co., Bristol, Virginia."

It was alleged in the libels that the article was adulterated in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article. Misbranding was alleged with respect to a portion of the tub butter for the further reason that it was food in package form and the quantity of the contents was not declared.

On July 27, 1927, the Darter Butter Co., Inc., Bristol, Va., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$1,600, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15280. Adulteration of oranges and grapefruit. U. S. v. 200 Boxes of Oranges and 100 Crates of Grapefruit. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 21849. I. S. Nos. 16608-x, 16609-x. S. No. E-6008.)

On March 30, 1927, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 boxes and 100 crates of grapefruit, at Buffalo, N. Y., consigned by F. N. Hicks, Thonatosassa, Fla., alleging that the articles had been shipped from Thonatosassa, Fla., on or about March 22, 1927, and transported

from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act.

Examination of the articles by this department showed that they consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the articles were adulterated in that they consisted in whole or in part of decomposed vegetable substances.

On April 2, 1927, F. N. Hicks, Thonatosassa, Fla., the owner of the property, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15281. Misbranding of cottonseed meal. U. S. v. 100 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21426. I. S. No. 13587-x. S. No. E-5677.)

On or about December 7, 1926, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 sacks of cottonseed meal, remaining in the original unbroken packages at Tampa, Fla., alleging that the article had been shipped by the Georgia Cotton Oil Co., from Macon, Ga., on or about October 30, 1926, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Cotton Seed Meal, Manufactured by Georgia Cotton Oil Company, Macon, Georgia. Guaranteed Analysis: Ammonia * * * 8.00% (equivalent to 41.12% protein)."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis: Ammonia 8.00% (equivalent to 41.12% protein)," borne on the label, was false and misleading and deceived and misled the purchaser.

On December 13, 1926, the Georgia Cotton Oil Co., Macon, Ga., having appeared as claimant for the property, and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled to conform with the law.

W. M. JARDINE, *Secretary of Agriculture.*

15282. Adulteration and misbranding of butter. U. S. v. 29 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22015. I. S. No. 20016-x. S. No. 32.)

On July 19, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 29 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Wytheville Creamery, Wytheville, Va., alleging that the article had been shipped from Wytheville, Va., on or about July 16, 1927, and transported from the State of Virginia, into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On August 3, 1927, M. Wildstein, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,800, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15283. Adulteration of cracked corn. U. S. v. 140 Bags of Cracked Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21920. I. S. No. 9635-x. S. No. E-6089.)

On or about May 16, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 140 bags of cracked corn, at Gordonsville, Va., alleging that the article had been shipped by the Weber Milling Co., Toledo, Ohio, on or about February 3, 1927, and transported from the State of Ohio into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Cracked Corn Weber Milling Co. Toledo, O."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On July 25, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15284. Adulteration and misbranding of Wood's Special concentrated sweetener. U. S. v. 10 Pounds, et al., of Wood's Special Concentrated Sweetener. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 12965, 13010. I. S. Nos. 9320-r, 9365-r. S. Nos. C-1973, C-2013.)

On June 26, and July 9, 1920, respectively, the United States attorney for the Eastern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1 can containing 10 pounds and 1 can containing 5 pounds of Wood's Special concentrated sweetener, remaining in the original unbroken packages, in part at Sullivan, Ill., and in part at Harrisburg, Ill., consigned by the W. B. Wood Mfg. Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., in two consignments, on or about June 4, and June 28, 1920, respectively, and transported from the State of Missouri into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wood's Special Concentrated Sweetener 500 * * * Not Sold as a Drug. W. B. Wood Mfg. Co., St. Louis, Mo."

Adulteration of the article was alleged in the libels for the reason that an imitation sweetener had been substituted wholly or in part for the said article, and in that it contained an added deleterious ingredient, saccharin, which might have rendered it injurious to health. Adulteration was alleged with respect to a portion of the product for the further reason that an imitation sweetener had been mixed and packed with the article.

Misbranding was alleged for the reason that the statement "Wood's Special Concentrated Sweetener 500," borne on the label, was false and misleading and deceived and misled the purchaser, since the said statement represented that the article was 500 times sweeter than sugar, when it was not, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On June 28, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15285. Adulteration of canned tomato pulp. U. S. v. 1,421 Dozen Cans of Tomato Pulp. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 21909. I. S. Nos. 14776-x, 14777-x. S. No. E-6130.)

On May 6, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,421 dozen cans of tomato pulp, at Camden, N. J., alleging that the article had been shipped by the Princeton Canning Co., Brownsburg, Ind., in two consignments, on or about April 20, and 21, 1927 respectively, and transported from the State of Indiana into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On July 26, 1927, the Princeton Canning Co., Brownsburg, Ind., having entered an appearance and having consented to the entry of a decree, judg-

ment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15286. Adulteration of canned sardines. U. S. v. 98 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18134. I. S. No. 2274-v. S. No. E-4533.)

On December 3, 1923, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 98 cases of sardines, remaining in the original unbroken packages at Rochester, N. Y., alleging that the article had been shipped by L. D. Clark & Son, at Eastport, Me., on or about September 25, 1923, and transported from the State of Maine into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Banquet Brand American Sardines * * * Packed at Eastport, * * * Me. by L. D. Clark & Son."

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On June 30, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15287. Misbranding of cottonseed meal. U. S. v. 172 Bags of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21621, 21622. I. S. No. 5848-x. S. No. E-5945.)

On February 4, 1927, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 172 bags of cottonseed meal, remaining in the original unbroken packages at Attica, N. Y., consigned by the Humphreys-Godwin Co., Memphis, Tenn., alleging that the article had been shipped from Memphis, Tenn., December 27, 1926, and transported from the State of Tennessee into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Choice-Prime Dixie Brand Cotton-Seed Meal 100 Pounds Net Guaranteed Analysis Min. Protein 41.12%, * * * Min. Crude Fiber 10.00% * * * Guaranteed by Humphreys-Godwin Co., Memphis, Tenn."

It was alleged in the libel that the article was short weight and was misbranded, in that the statements, "100 pounds Net Guaranteed Analysis Min. Protein 41.12% * * * Min. Crude Fiber 10.00%," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 9, 1927, the Humphreys-Godwin Co., Memphis, Tenn., having appeared as claimant for the property, and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$750, conditioned in part that it be repacked or relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15288. Adulteration and misbranding of butter. U. S. v. 24 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21996. I. S. No. 16754-x. S. No. 6.)

On July 6, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 tubs of butter, at New York, N. Y., alleging that the article had been shipped by the Alberta Creamery & Produce Co., from Alberta, Minn., on or about June 21, 1927, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On July 8, 1927, the Alberta Creamery & Produce Co., Alberta, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$720, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

15289. Adulteration and misbranding of canned oysters. U. S. v. Harold F. Atwood (Meridian Canning Co.). Plea of guilty. Fine, \$25. (F. & D. No. 19306. I. S. Nos. 11776-v, 11777-v, 18116-v, 18117-v.)

On March 6, 1925, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harold F. Atwood, trading as the Meridian Canning Co., Meridian, Ga., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about November 15, 1923, from the State of Georgia into the State of Tennessee, and on or about November 16, 1923, from the State of Georgia into the State of Alabama, of quantities of canned oysters, which were adulterated and misbranded. The article was labeled in part: "Meridian Brand—Net Contents 5 Ounces Oysters—Oysters, Packed By Meridian Canning Co., Meridian Ga."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, excessive liquid, had been substituted in part for 5 ounces of oyster meat which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Net Contents 5 Ounces Oysters," borne on the can label, was false and misleading, in that the said statement represented that the cans each contained 5 ounces of oyster meat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans each contained 5 ounces of oyster meat, whereas they did not, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cans contained less than declared.

On November 1, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15290. Adulteration and misbranding of noodles. U. S. v. 162 Boxes of Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21463. I. S. No. 14369-x. S. No. C-5292.)

On December 14, 1926, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 162 boxes of noodles, remaining unsold in the original boxes at Detroit, Mich., alleging that the article had been shipped by the Viviano Brothers Co., from Chicago, Ill., November 20, 1926, and transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Triumph Brand Bologna Style * * * Artificially Colored Chicago Macaroni Company, Chicago, U. S. A." "Tagliatelle Yellow Nested Noodles."

Adulteration of the article was alleged in the libel for the reason that a substance containing little or no egg had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement "Yellow Nested Noodles," borne on the label, was false and misleading and deceived and

misled the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On April 14, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15291. Adulteration of butter. U. S. v. 8 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 22010. I. S. No. 12966-x. S. No. 37.)

On or about July 18, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Farmers Creamery Co., Livingston, Mont., June 29, 1927, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it was deficient in milk fat content.

On July 27, 1927, the Farmers Creamery Co., Livingston, Mont., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$225, conditioned in part that it be reconditioned under the supervision of this department to conform with the law.

W. M. JARDINE, *Secretary of Agriculture.*

15292. Adulteration of butter. U. S. v. 5 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.
(F. & D. No. 22011. I. S. No. 12925-x. S. No. 28.)

On or about July 14, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Idaho Creamery Co., Rupert, Idaho, June 24, 1927, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it was deficient in butterfat content.

On July 27, 1927, the Idaho Creamery Co., and W. A. Snapp, claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$150, conditioned in part that it be reconditioned under the supervision of this department to conform with the law.

W. M. JARDINE, *Secretary of Agriculture.*

15293. Adulteration of tomato paste. U. S. v. 270 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction.
(F. & D. Nos. 21479 to 21485, incl. I. S. Nos. 12034-x, 12037-x. S. No. C-5286.)

On December 22, 1926, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 270 cases of tomato paste, at New Orleans, La., alleging that the article had been shipped by John S. Mitchell, Inc., Windfall, Ind., on or about September 21, 1926, and transported from the State of Indiana into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (cans) "Regal Brand (or "Imperial Brand") Pure Tomato Paste Distributed By John S. Mitchell, Inc., Windfall, Ind."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On March 10, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15294. Adulteration and misbranding of preserves and jellies. U. S. v. 228 Cases of Raspberry Preserves, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 21026, 21047. I. S. Nos. 12182-x to 12189-x, incl., 12221-x to 12225-x, incl. S. Nos. C-5071, C-5076.)

On April 20, and April 28, 1926, respectively, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,039 cases of preserves, and 548 cases of jellies, remaining in the original unbroken packages at Detroit, Mich., alleging that the articles had been shipped by McNeil & Co., from Carpentersville, Ill., in part September 8, 1925, and in part December 28, 1925, and transported from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The preserves were labeled in part: (jars) "Pure Raspberry (or "Strawberry," or "Peach," or "Pineapple," or "Cherry," or "Loganberry") Preserves." The jellies were labeled in part: (jars) "Contents 6 Ozs. Sunny-Banks Brand Strawberry (or "Raspberry," or "Currant," or "Grape," or "Crabapple") Apple Pectin Jelly."

It was alleged in the libel that the preserves were adulterated, in that the above mentioned fruit preserves, with added tartaric acid, had been substituted for pure raspberry, (or other fruit) preserves, which the labels represented the articles to be.

Misbranding of the said preserves was alleged for the reason that the designations "Pure Raspberry (or other fruit) Preserves," borne on the labels, were false and misleading and deceived and misled the purchaser, when applied to preserves containing added tartaric acid.

Adulteration of the jellies was alleged for the reason that a substance, pectin, had been mixed and packed with the articles so as to reduce, lower, or injuriously affect their quality and strength, for the further reason that substances, pectin jellies colored with fruit juices and acidified with tartaric acid, had been substituted wholly or in part for the articles, and in that they had been colored in a manner whereby damage and inferiority were concealed.

Misbranding of the jellies was alleged for the reason that the statements "Strawberry (or other fruit) Apple Pectin Jelly" were false and misleading and deceived and misled the purchaser, and for the further reason that they were imitations of and offered for sale under the distinctive names of other articles. Misbranding of the raspberry, strawberry, and crabapple jellies was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, and in that the statement "Contents 6 Ozs." was false and misleading and deceived and misled the purchaser.

On May 27, and June 17, 1926, respectively, McNeil & Co., Carpentersville, Ill., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$2,000, conditioned in part that they be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15295. Adulteration of shell eggs. U. S. v. Otto Burtscher. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 19731. I. S. No. 24626-v.)

On July 24, 1926, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Otto Burtscher, Kaw, Okla., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 27, 1925, from the State of Oklahoma into the State of Kansas, of a quantity of eggs which were adulterated. The article was labeled in part: "From Otto Burtscher Kaw, Okla."

Examination by this department of 3 half cases, or 540 eggs, showed 519, or 96.1 per cent, inedible eggs.

It was alleged in the information that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On May 9, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

15296. Adulteration and misbranding of butter. U. S. v. 8 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22013. I. S. No. 20035-x. S. No. 42.)

On July 23, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by J. D. Perry & Son, Tazewell, Va., alleging that the article had been shipped from Tazewell, Va., on or about July 20, 1927, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 28, 1927, Crawford & Lehman, Inc., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15297. Adulteration and misbranding of butter. U. S. v. 12 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22006. I. S. No. 20022-x. S. No. 34.)

On July 21, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Zanesville Creamery Co., Zanesville, Ohio, alleging that the article had been shipped from Zanesville, Ohio, on or about July 15, 1927, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the package.

On August 1, 1927, C. M. Drake, trading as C. M. Drake & Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15298. Adulteration and misbranding of butter. U. S. v. 13 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22008. I. S. No. 20007-x. S. No. 22.)

On July 14, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Monticello Creamery, Culpepper, Va.,

alleging that the article had been shipped from Culpepper, Va., on or about July 13, 1927, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, for the reason that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 27, 1927, the Monticello Dairy Co., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold or otherwise disposed of contrary to law, and that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15299. Adulteration and misbranding of macaroni. U. S. v. 19 Boxes and 148 Boxes of Bologna Style Macaroni. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 21219, 21224. I. S. Nos. 7580-x, 13628-x, 13629-x. S. Nos. E-5843, E-5844.)

On August 9, 1926, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 167 boxes of macaroni, in part at Paterson, N. J., and in part at Newark, N. J., alleging that the article had been shipped by the Atlantic Macaroni Co., Inc., Long Island City, N. Y., in various consignments, on or about February 17, April 19, June 3, June 6, June 22, July 3, and July 19, 1926, respectively, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Bologna Style Farfallone (or "Farfalle") * * * Artificially Colored."

It was alleged in the libels that the article was adulterated, in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of another article.

On July 26, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15300. Adulteration and misbranding of canned cherries. U. S. v. 50 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21303. I. S. No. 8240-x. S. No. E-5870.)

On October 1, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 cases of canned cherries, remaining unsold at Hoboken, N. J., alleging that the article had been shipped by the Newfane Preserving Co., Newfane, N. Y., on or about July 24, 1926, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Pennant Brand New York State Pitted Red Cherries Contents 6 Lbs. 9 Oz. Packed by Newfane Preserving Company, Newfane, N. Y."

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, putrid, and decomposed vegetable substance.

Misbranding was alleged for the reason that the statement "Contents 6 Lbs. 9 Oz." borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 28, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15301-15350

[Approved by the Secretary of Agriculture, Washington, D. C., January 31, 1928]

15301. Misbranding of butter. U. S. v. 20 Cases and 15-5/6 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21242. I. S. Nos. 1743-x, 1744-x. S. No. C-5199.)

On July 23, 1926, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35% cases of creamery butter, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the Armour Creameries, Meridian, Miss., July 20, 1926, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "1 Lb. Net Weight Cloverbloom Creamery Butter Armour & Co., Main Office, Chicago, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statement "One Lb. Net Weight," borne on the packages containing the said article, was false and misleading and deceived and misled the purchaser, and in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 31, 1926, Armour & Co., Montgomery, Ala., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it be repacked and reworked subject to the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15302. Adulteration and alleged misbranding of butter. U. S. v. 81 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22000. I. S. No. 19359-x. S. No. 27.)

On July 9, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 81 tubs of butter, remaining unsold in the original packages at Chicago, Ill., alleging that the article had been shipped by the Sanitary Farm Dairy from St. Paul, Minn., July 5, 1927, and transported from the State of Minnesota into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article. Adulteration was alleged for the further reason that the article was deficient in butterfat, in that it contained less than 80 per cent of butterfat.

Misbranding was alleged for the reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On July 17, 1927, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed so that it contain not less than 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

15303. Adulteration of figs. U. S. v. 24 Boxes of Adulterated Figs. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 21981. I. S. No. 17271-x. S. No. 17.)

On July 18, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 boxes of figs, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by R. Fair, from Modesto, Calif., on or about June 24, 1927, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "25 Lbs. Net Extra Choice Calimyrna Figs Prepared with Sulphur Dioxide."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 22, 1927, R. Fair, Modesto, Calif., having through duly authorized agents entered an appearance and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15304. Adulteration and misbranding of vinegar. U. S. v. 48 Barrels of Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21964. I. S. No. 16711-x. S. No. E-6142.)

On June 25, 1927, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 48 barrels of cider vinegar, remaining in the original unbroken packages at Danbury, Conn., alleging that the article had been shipped by Edw. Risedorph, from Niverville, N. Y., on or about September 22, 1926, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Roco Cider Vinegar Made from Apple Juice Reduced to Four Percent Acid. Mfd. by Edw. Risedorph, Kinderhook, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Cider Vinegar * * * Reduced to Four Percent Acid," borne on the label, were false and misleading, and deceived and misled the purchaser, and in that the article was offered for sale under the distinctive name of another article.

On or about August 1, 1927, Edward Risedorph, Kinderhook, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that sufficient high-acid apple cider vinegar be added thereto to raise the acidity to at least 4 grams per 100 cubic centimeters.

W. M. JARDINE, *Secretary of Agriculture.*

15305. Adulteration and misbranding of butter. U. S. v. 17 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22005. I. S. No. 20032-x. S. No. 38.)

On July 22, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 tubs of butter remaining in the original unbroken packages at Philadelphia, Pa., consigned by the North State Creamery Co., Burlington,

N. C., alleging that the article had been shipped from Burlington, N. C., on or about July 20, 1927, and transported from the State of North Carolina into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "From North State Creamery Company, Burlington, N. C."

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the package.

On August 3, 1927, the North State Creamery Co., Inc., Burlington, N. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15306. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22014. I. S. No. 20028-x. S. No. 36.)

On July 21, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Wytheville Creamery, Wytheville, Va., alleging that the article had been shipped from Wytheville, Va., on or about July 18, 1927, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On August 3, 1927, M. Wildstein, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15307. Adulteration of Fenholloway sulphur water. U. S. v. 30 Crates of Fenholloway Sulphur Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21378. I. S. No. 13514-x. S. No. E-5906.)

On November 13, 1926, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 crates of Fenholloway sulphur water, remaining in the original unbroken packages at Thomasville, Ga., alleging that the article had been shipped by Hiers & Corbett, from Perry, Fla., October 29, 1926, and transported from the State of Florida into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fenholloway Sulphur * * * Water Bottled by Hiers & Corbett, Route #3, Perry, Fla."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On March 29, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15308. Adulteration of tomato pulp. U. S. v. 700 Dozen Cans of Tomato Pulp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21922. I. S. No. 14778-x. S. No. E-6135.)

On May 18, 1927, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel praying seizure and condemnation of 700 dozen cans of tomato pulp, remaining unsold at Camden, N. J., alleging that the article had been shipped by the Princeton Canning Co., Brownsburg, Ind., on or about April 21, 1927, and transported from the State of Indiana into the State of New Jersey, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On July 26, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15309. Adulteration and misbranding of macaroni. U. S. v. 6 Boxes, et al., of Bologna Style Macaroni. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21212. I. S. No. 8272-x. S. No. E-5836.)

On August 4, 1926, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 32 boxes of macaroni, at Perth Amboy, N. J., alleging that the article had been shipped by the National Noodle Co., New York, N. Y., on or about June 23, 1926, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tripoline (or "Margherine" or "Farfalle" or "Tagliatelli") Bologna Style * * * Artificially Colored."

It was alleged in the libel that the article was adulterated, in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of another article.

On July 26, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15310. Adulteration of pink root. U. S. v. 1 Keg of Ground True Pink Root. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21794. I. S. No. 13313-x. S. No. E-6055.)

On April 5, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 keg of ground true pink root, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by R. Hillier's Son Co., Inc., from Jersey City, N. J., on or about February 2, 1927, and transported from the State of New Jersey into the State of Maryland, and charging adulteration in violation of the food and drugs act.

Analysis by this department showed that the article contained 26.15 per cent of ash of which 19.53 per cent was acid-insoluble.

It was alleged in the libel that the article was adulterated, in that its strength or purity fell below the professed quality under which it was sold.

On June 30, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15311. Adulteration of dried figs. U. S. v. 45 Boxes and 72 Boxes of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21971. I. S. Nos. 17281-x, 17282-x. S. No. 5.)

On July 7, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 117 boxes of dried figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by

Guggenheim & Co., from San Francisco, Calif., June 3, 1927, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pansy Brand (or "Fuchsia Brand") California * * * White Figs * * * Guggenheim & Company, California."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 1, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15312. Adulteration of canned salmon. U. S. v. 240 Cases and 171 Cases of Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20390, 20391. I. S. No. 2003-x. S. No. C-4815.)

On August 31, and September 24, 1925, respectively, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 411 cases of canned salmon, remaining unsold in the original packages, in part at Elizabethtown, Ky., and in part at Hodgenville, Ky., consigned by the C. F. Buelow Co., Seattle, Wash., from New Orleans, La., March 14, 1925, alleging that the article had been shipped in interstate commerce from New Orleans, La., into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Petco Brand Select Pink Salmon * * * Distributed by C. M. Pettibone Co., Seattle."

It was alleged in the libels that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On November 10, 1926, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15313. Adulteration of canned corn and canned succotash. U. S. v. 60-5/24 Cases of Canned Corn, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 20739, 20740, 20797. I. S. Nos. 5458-x, 5459-x, 5460-x, 5462-x, 5466-x. S. Nos. E-5558, E-5558-A, E-5619.)

On or about January 6, and February 4, 1926, respectively, the United States attorney for the District of Vermont, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 154 $\frac{1}{2}$ cases of canned corn, and 53 $\frac{1}{2}$ cases of canned succotash, at Bennington, Vt., alleging that the articles had been shipped in part by the Knoxboro Canning Co., from Oriskany Falls, N. Y., and in part by the New Hartford Canning Co., from Pennellville, N. Y., between the dates of November 28, 1924 and November 2, 1925, and transported from the State of New York into the State of Vermont, and charging adulteration in violation of the food and drugs act. The articles were labeled in part: (Cans) "Challenge Brand Golden Evergreen Corn (or "Challenge Golden Bantam Midget Corn" or "Challenge Brand Golden Evergreen Succotash" or "White Mountain Brand Golden Succotash") * * * Packed by New Hartford Canning Co., at New Hartford, N. Y.," "White Mountain Brand Golden Evergreen Succotash * * * New Hartford Canning Company, New Hartford * * * New York."

Adulteration of the articles was alleged in the libels for the reason that saccharin had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the articles had been mixed in a manner whereby damage or inferiority was concealed, and in that they contained an added poisonous or other added deleterious ingredient, saccharin, which might have rendered them injurious to health.

On March 9, 1927, the New Hartford Canning Co., Lt'd, New Hartford, N. Y., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon

payment of the costs of the proceedings and the execution of good and sufficient bonds, conditioned in part that they not be sold or otherwise disposed of contrary to Federal law, or the laws of any State, Territory, District or insular possession, which prohibits the use of saccharin in like products for human consumption.

W. M. JARDINE, *Secretary of Agriculture.*

15314. Adulteration of cottonseed hulls. U. S. v. 40,260 Pounds and 182,380 Pounds of Cottonseed Hulls. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21422, 21423. I. S. Nos. 8441-x, 8442-x. S. Nos. C-5252, C-5253.)

On October 15, 1926, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and subsequently, amendments to the said libels, praying seizure and condemnation of 222,640 pounds of cottonseed hulls, remaining in the original freight car at Maple Hill, Kans., alleging that the article had been shipped by the Choctaw Cotton Oil Co., of Ada, Okla., in part on or about October 2, 1926, and in part on or about October 9, 1926, and had been transported in interstate commerce from Muskogee, Okla., into the State of Kansas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated, in that it was composed in whole or in part of a filthy, decomposed, or putrid vegetable substance, and was infested with bugs.

On October 25, 1926, the Choctaw Cotton Oil Co., Ada, Okla., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$500, conditioned in part that it not be sold or offered for sale in violation of law.

W. M. JARDINE, *Secretary of Agriculture.*

15315. Misbranding of Pildoras Ovaricura, Cerebrotono, and Pildoras Ferrogenas. U. S. v. 10 Dozen Boxes of Pildoras Ovaricura, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 21717, 21718, 21719. I. S. Nos. 14514-x, 14515-x, 14518-x. S. No. E-6014.)

On March 18, 1927, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 dozen boxes of Pildoras Ovaricura, 6 dozen bottles of Cerebrotono, and 3 dozen bottles of Pildoras Ferrogenas, at Coamo, P. R., alleging that the articles were being offered for sale and sold in Porto Rico, by the Flar Medicine Co., Coamo, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis by this department showed that the Pildoras Ovaricura consisted of pills containing iron sulphate and plant material, including aconite, aloe, ginger and cinnamon; that the Cerebrotono contained calcium, sodium, potassium, and iron glycerophosphates, plant extractives, alcohol, and water; and that the Pildoras Ferrogenas consisted of pills containing iron and potassium carbonate and sulphate comparable to Blaud's pills.

It was alleged in the libel that the articles were misbranded in that the following statements regarding their curative and therapeutic effects, were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the results claimed: (Pildoras Ovaricura, box label, Spanish translated) "Ovaricura Pills * * * for combating the diseases peculiar to women;" (Pildoras Ovaricura, circular, Spanish translated) "Pills 'Ovaricura' are recommended for the treatment of these disorders whenever they are due to diseases of the womb or ovaries. Menstruation * * * Irregularities of menstruation * * * 'Ovaricura' * * * Retarded Menstruation * * * Scanty Menstruation * * * Suppressed menstruation * * * Painful menstruation * * * Profuse menstruation * * * During the critical age of women when the womb ceases to function, numerous disorders appear such as debility, noise in the ears, nervousness, paleness, headaches, insomnia, palpitation, dizziness, etc. Take 1 or 2 pills 'Ovaricura' a day. * * * Headaches in Women:—These pains may appear before or during the menstrual period * * * 'Ovaricura' Pills * * * Offer satisfactory treatment;" (Cerebrotono, carton and bottle label, English

and Spanish,) "Tonic reconstructive of the brain and nerves * * * of sure and efficient effects. Cerebrotono tonic is a powerful reconstructive of the brains and nerves. Acts as a builder of nutritive functions and as a reconstructive of failing vitality. Especially indicated for general debility, some forms of neurasthenia and sexual weakness;" (Cerebrotono, circular, Spanish translated) "Cerebrotono * * * rapid and sure effects * * * a food for the cells * * * exercises a nutritive and stimulating action over the tissues of the organism, especially over the brain and nerves. * * * is a general reconstituent which repairs and stops the organic waste, acting as vitalizer to all the tissues. * * * May be used for general debility, lack of spirit, premature weakness, certain forms of neurasthenia, phosphaturia, sexual exhaustion and in convalescence;" (Pildoras Ferrogenas, box label, Spanish translated) "Indications: Debility, Anæmia in general, Dizziness, Fatigue, Loss of Appetite and weight, Paleness, etc;" (Pildoras Ferrogenas, circular, Spanish translated) "For combating Anæmia, and all those diseases due to a watery condition of the blood, such as: Paleness—Lack of Strength—Fatigue—Noise in the ears—Palpitations—Headaches—Weakness of the legs—Lack of Spirit—General Debility—Irregularities of Menstruation due to excess or lack of it."

Misbranding of the Cerebrotono was alleged for the further reason that the label failed to bear a statement of the quantity of alcohol contained therein, whereas analysis showed that it contained 10.5 per cent of alcohol.

On June 24, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15316. Adulteration and misbranding of canned oysters. U. S. v. 750 Cases of Oysters. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 21934. I. S. No. 2680-x. S. No. C-5470.)

On May 23, 1927, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 750 cases of canned oysters, remaining in the original unbroken packages at Emporia, Kans., alleging that the article had been shipped by the Anticich Packing Co., from Biloxi, Miss., on or about March 8, 1927, and transported from the State of Mississippi into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sunburst Brand Oysters Contents 5 Oz."

Adulteration of the article was alleged in substance in the libel for the reason that excessive brine had been mixed and packed therewith, so as to lower and injuriously affect its quality, purity, and strength.

Misbranding was alleged in substance in the libel for the reasons that the statement "Contents 5 Oz." borne on the label, was false and misleading, and that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 18, 1927, the Theo. Poehler Mercantile Co., Emporia, Kans., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled to show the true quantity of the contents.

W. M. JARDINE, *Secretary of Agriculture.*

15317. Misbranding of dairy feed. U. S. v. 483 Sacks, et al., of Dairy Feed. Decrees of condemnation entered. Product released under bond. (F. & D. Nos. 21905, 21906. I. S. Nos. 13367-x, 13368-x, 13372-x, 13373-x. S. No. E-6125.)

On May 6, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 743 sacks of dairy feed, remaining in the original unbroken packages in part at Gaithersburg, Md., and in part at Adamstown, Md., alleging that the article had been shipped by the Chas. A. Krause Milling Co., from Milwaukee, Wis., in various consignments, on or about January 24, February 8, and April 7, 1927, respectively, and transported from the State of Wisconsin into the State of Maryland, and charging misbranding in violation of the food and drugs act.

The article was labeled in part: "Thomas' Dairy T Feed (or "Thomas Victory T Feed") Guaranteed Analysis Protein 16½% (or "24%") * * * Manufactured by Thomas & Company, Frederick, Md."

It was alleged in the libel that the article was misbranded in that it was falsely branded as to the State in which it was manufactured, and in that the labels bore statements, regarding the said article or the ingredients or substances contained therein, which were false and misleading and deceived and misled the purchaser, as follows: "Guaranteed Analysis Protein 16½% * * * Manufactured by Thomas & Company, Frederick, Md." and "Guaranteed Analysis Protein 24% * * * Manufactured by Thomas & Company, Frederick, Md."

On May 14, 1927, the Chas. A. Krause Milling Co., Milwaukee, Wis., having appeared as claimant for the property, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$1,150, conditioned in part that it not be sold or disposed of until properly relabeled.

W. M. JARDINE, *Secretary of Agriculture.*

15318. Adulteration and misbranding of table oil. U. S. v. 18 Cans of Table Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21960. I. S. No. 13971-x. S. No. C-5113.)

On June 18, 1927, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 cans of table oil, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the Calamata Olive Oil Co., Buffalo, N. Y., March 8, 1927, and transported from the State of New York into the State of Indiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Finest Quality Table Oil Tipo Termini Imerese Vegetable Oil Contents 96 Oz."

Adulteration of the article was alleged in the libel for the reason that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tip (Tipe) Termini Imerese Contents 96 Oz.", together with the general arrangement of the label and a picture of a scene evidently foreign and apparently of olive gathering, borne on the label, were false and misleading and deceived and misled the purchaser; for the further reason that it was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 29, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15319. Misbranding of cottonseed cake. U. S. v. 320 Sacks of Cottonseed Cake. Consent decree adjudging product misbranded and ordering its release under bond. (F. & D. No. 21537. I. S. No. 9570-x. S. No. C-5311.)

On January 20, 1927, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 320 sacks of cottonseed cake, remaining in the original unbroken packages at Bates City, Mo., alleging that the article had been shipped by the Whitesboro Oil Mill Co., from Whitesboro, Tex., on or about January 10, 1927, and transported from the State of Texas into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "'Chickasha Prime' Cottonseed Cake or Meal * * * Protein not less than 43 per cent, Chickasha Cotton Oil Co., Kansas City, Mo."

Misbranding of the article was alleged in the libel for the reason that the statement on the said label "Protein not less than 43 per cent" was false and misleading and deceived and misled the purchaser.

On February 3, 1927, the Whitesboro Cotton Oil Co., Whitesboro, Tex., claimant, having admitted the allegations of the libel and having consented to

the condemnation and forfeiture of the property, a decree was entered adjudging the product misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold until it had been salvaged and relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15320. Misbranding and alleged adulteration of canned oysters. U. S. v. 1,000 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21776. I. S. No. 12864-x. S. No. W-2120.)

On or about March 28, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,000 cases of canned oysters, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the C. B. Foster Packing Co., from Baltimore, Md., on or about February 11, 1927, and transported from the State of Maryland into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The cases were labeled "5 Oz. Unlabeled Oysters."

Adulteration of the article was alleged in the libel for the reason that excessive water or brine had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "5 Oz. * * * Oysters" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 25, 1927, the C. B. Foster Packing Co., Inc., Biloxi, Miss., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, conditioned in part that it be relabeled and reconditioned in a manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

15321. Adulteration of canned blackberries. U. S. v. 972 Cases of Canned Blackberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20688. I. S. No. 630-x. S. No. W-1825.)

On December 3, 1925, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 972 cases of canned blackberries, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Kelley Packing Co., Chehalis, Wash., alleging that the article had been shipped in interstate commerce from Chehalis, Wash., into the State of California, on or about September 25, 1925, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Kelley's Perfek-Pak Blackberries."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 20, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15322. Adulteration and misbranding of butter. U. S. v. 4 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21988. I. S. No. 14793-x. S. No. 8.)

On July 7, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Holston Creamery Co., Bristol, Va.,

alleging that the article had been shipped from Bristol, Va., on or about July 4, 1927, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From Holston Creamery Co., Bristol, Va."

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent of butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 27, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15323. Adulteration of cotton root bark. U. S. v. 1 Bale of Cotton Root Bark. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22082. I. S. No. 16855-x. S. No. 111.)

On October 10, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 bale of cotton root bark, remaining in the original unbroken package at Boston, Mass., alleging that the article had been shipped by Sig. Wallace, Statesville, N. C., and transported from the State of North Carolina into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

Analysis by this department showed that the article contained 9.5 per cent of wood while the National Formulary prescribes that cotton root bark shall contain not more than 5 per cent of wood or other foreign matter.

It was alleged in the libel that the article was adulterated, in that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the said Formulary.

On November 14, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15324. Adulteration of canned blackberries. U. S. v. 499 Cases and 499 Cases of Blackberries. Consent orders of destruction entered. (F. & D. Nos. 20800, 20801. I. S. Nos. 5030-x, 5031-x. S. Nos. E-5622, E-5623.)

On January 29, 1927, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 998 cases of canned blackberries, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the Kelley Packing Co., from Chehalis, Wash., on or about November 23, 1925, and transported from the State of Washington into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Kelley's Perfek-Pak Blackberries * * * Packed by Kelley Packing Co., Chehalis, Wash."

It was alleged in the libels that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 17, 1926, the claimant for the property having consented to the entry of decrees of condemnation and forfeiture, judgments were entered ordering that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15325. Adulteration and misbranding of butter. U. S. v. 15 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21998. I. S. No. 14804-x. S. No. 11.)

On July 9, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 15 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Covington-Nelson Creamery, Culpepper,

Va., alleging that the article had been shipped from Culpepper, Va., on or about July 6, 1927, and transported from the State of Virginia into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Covington-Nelson Creamery, Culpepper, Va."

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On July 27, 1927, the Covington-Nelson Creamery Co., Culpepper, Va., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15326. Adulteration and misbranding of butter. U. S. v. 7 Tubs of Butter, et al. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22004. I. S. No. 20033-x. S. No. 39.)

On July 23, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 tubs of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the North State Creamery Co., Burlington, N. C., alleging that the article had been shipped from Burlington, N. C., on or about July 20, 1927, and transported from the State of North Carolina into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act as amended. The article was labeled in part: "From North State Creamery Company, Burlington, N. C., Manufacturers of 'Dixie Brand' Butter."

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously declared on the outside of the package.

On August 5, 1927, Crawford & Lehman, Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15327. Misbranding of Zovia, a concentrated mineral water. U. S. v. 12 Dozen Bottles of Zovia, a Concentrated Mineral Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21649. I. S. No. 12521-x. S. No. W-2093.)

On February 24, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 dozen bottles of Zovia, a concentrated mineral water, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Zovia Wonder Water Co., from Alhambra, Calif., January 28, 1927, and transported from the State of California into the State of Washington, and charging misbranding in violation of the food and drugs act as amended.

Analysis by this department showed that the article was essentially an aqueous solution of magnesium sulphate.

It was alleged in the libel that the article was misbranded, in that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since the said article contained no ingredient or combination

of ingredients capable of producing the effects claimed: (Bottle label) "Zovia Is Used As A Tonic For The Blood, And Blood Purity Is The Foundation Of Health. * * * To a glass full of water add one-half teaspoonful of Zovia. Drink from one to four glasses of this mixture during each day until the condition of the body returns to normalacy. * * * Wonder water;" (circular) "Wonder Water A Food—Not a Medicine * * * Zovia Is a food composed of mineral salts essential to all human and animal life, scientifically compounded in such a way that the body extracts those minerals of which it is in need, and discards those that are not needed, thereby making for a balanced body, and a balanced body is a normal one. As a blood cleanser and builder, we know that Zovia has no equal, and where there is blood purity, disease is practically impossible. Zovia being a food, it stands to reason that all persons demand a varying amount, depending on their different constitutions, as what is a meal for one is a feast for another. Properly taken, we feel assured you will be more than pleased with the marvelous, corrective properties of Zovia. Various Diseases, Their Cause—All diseases come from three sources, namely, improper elimination, mal-assimilation and faulty circulation. When any of the above conditions occur, the purifying process is hampered, allowing the blood to become polluted with poison. Disease takes advantage of this weakened condition and makes itself at home in your weakest spot, as no chain is stronger than its weakest link. Therefore, as the above is true, remove the cause and the effect will disappear. That is Zovia's mission; to bring about normal assimilation, elimination, and circulation, and unless those conditions have been corrected, health will ever remain an unrealized hope. Correct them, and watch the Flowers of Hope bloom forth with regained health. Zovia is the corrective agency, and when properly taken will bring about the desired results, supplying the body with the missing elements, and a benevolent nature will do the rest. Zovia is the KEY to HEALTH and HAPPINESS—use it, and see the Gates of Health, in the Wall of Despair, open wide to continual contentment. * * * When one is suffering and looking for relief * * * One teaspoonful or less of Zovia in a large glass of hot water the first thing in the morning, and as many times during the day (a half teaspoonful or less in a large glass of either hot or cold water) as is necessary to bring about a thin watery movement of the bowels at least three or more times during the day. Unless the elimination is taking place through the kidneys then govern the doses accordingly—not to over do it. When this has been accomplished then the body is ready to take Zovia in smaller doses, in order to start the process of cleansing the blood, and building up the cells, tissues, and glands. The object of small doses, and often, is to give Zovia time in passing through thirty odd feet of intestines to be assimilated into the blood before reaching the lower bowel, and finally to be evacuated. Do not take enough Zovia so as to act as a severe purgative, as in some instances it may weaken the body and the desired results will not be obtained. A healthy person should have at least three bowel movements per day to regain and retain health. Acute Indigestion and Ptomaine Poisoning * * * (Remember Zovia is not a medicine but a food) * * * Zovia as an internal cleanser has no equal. For chronic constipation it is well to begin by taking Zovia in small doses and several times during the day—also use Zovia as an enema for three or four days, in order to clean the lower bowels, which are in a semi-paralyzed condition, and cannot function * * * By these enemas it will restore the bowels, in a measure, to a normal condition. * * * Kidney Trouble—All kidney troubles are to be treated as per general directions, except that the doses as a rule, be less, and again the one using it for kidney trouble should govern himself accordingly, that is, if too much is taken it will cause discomfort. It will flush the kidneys of all obnoxious sediment, and the elimination will be more often than usual. However, in a very few days a marked improvement should be experienced, depending of course upon the condition of the kidneys. (Zovia is a food and not a medicine). Tuberculosis—Tubercular conditions, and Asthma have not only been relieved, but untold instances cured, if Zovia is taken in time. In tubercular conditions, use Zovia as per General Directions—just enough doses to bring about a thin watery stool. Do not be alarmed at the many watery stools that may occur daily. It will be up to the patient to see to it that he does not take too much so as to bring about a weakening condition, and when you see a marked improvement in your condition, take very small doses, and often, as by taking small doses, it will be continually entering into the blood stream, and act as a wonderful body builder, and blood purifier. Rheumatism, Neuritis, and Arthritis—In such cases follow the above directions. (Your body demands Zovia. It is a food.) Goiters, Tumors, Kid-

ney and Gall Stones—Zovia has brought about most marvelous results for the treatment of Goiter and Tumors, and all abnormal growths inside and outside the body. It will dissolve those abnormal growths. In addition to following the General Directions for the above,—for external Goiters and Tumors, it would be advisable to use a warm Zovia compress (full strength) as a local application. Change nightly. Indigestion, Heart Burn, and Acid Stomach—After partaking of food, and distressing symptoms of indigestion occur, take half teaspoonful of Zovia in a large glass of hot water, and repeat every fifteen or twenty minutes until the symptoms have disappeared. Try to correct your diet and as conditions improve, take smaller doses (Make Zovia a part of your diet as it is a food). Special Directions for Ulcerated Stomach—For this condition Zovia should be taken in small doses to begin with, so as not to irritate the ulcers. Five to ten drops into a large glass of warm water four or five times a day will be about right. Keep this up until healing process is well under way and then increase doses little by little until it can be taken as per general directions. Toxic Poisoning—What is Toxic Poison? In a word Toxic Poison is the cause of all body ailments. It is the waste matter being reabsorbed back into the blood from improper elimination, and Zovia has no peer to correct that poisoned condition, if taken per general directions. * * * High Blood Pressure and Paralysis—High Blood Pressure and Paralysis often go together, and Zovia has proven beyond question, its worth to those afflicted with such, unfortunately, common diseases. * * * External Uses—As an external application Zovia has no equal, and its effect is miraculous in the treatment of the following: Burns and Scalds—Bandage the injured part with gauze saturated in Zovia (full strength) and leave on until pain is gone, and if necessary, apply again. Cuts and Bruises * * * Boils, Carbuncles, Etc. Apply * * * until relieved, and repeat when necessary, at the same time taking Zovia internally as per general directions. Pimples and Skin Erruptions—Apply Zovia (full strength) as face lotion as often as convenient, * * * Also take internally as per general directions. * * * Sore Throat—Use a solution of one part Zovia to five parts of water used as a gargle, and as healing takes place increase the strength. Toothache—Saturate a small wad of absorbent cotton with warm Zovia (full strength) and apply between the cheek and the affected tooth. You will be agreeably surprised with the result. Zovia is highly recommended for treatment of Pyorrhea. Poison Oak, Poison Ivy, Insect Bites, Bee Stings, Etc.—Apply Zovia (full strength). Allow to dry. Brush off the coating and apply again. Continue this until relieved. Cold in the Head, Catarrh—Spray or douche nasal passage with a solution of one part Zovia to eight parts luke warm water. Increase or decrease strength as condition calls for. * * * For infants and children * * * It has been known to save babies of cholera infantum * * * and other baby ailments * * * always with wonderful results. Douche—This is very healing * * *. Piles of All Kinds—Take Zovia internally as per general directions. For external piles, bathe outside parts with Zovia and inject Zovia (full strength) with small rectal syringe. Continue the above treatment, and no matter how painful or of long duration, they will soon disappear. * * * If you are too fat you may expect to lose weight; if too thin, you may expect to take on weight. In conclusion we wish to impress upon the minds of those using Zovia that Zovia is not a medicine but a food and should be looked upon as such. We are often asked how long should one use Zovia. It may be answered in this manner, when hungry or thirsty, one eats or drinks, to satisfy his hunger or thirst, and he so repeats it as long as the body demands or requires it, and Zovia being one of the indispensable foods it should enter the body as often as needed, to keep that body in a healthy, normal condition. It is not a habit-forming beverage no more so than wholesome food."

On June 15, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15328. Misbranding of Elixir Eneglotaria and Jarabe de Guayaco Eneglotaria. U. S. v. 408 Bottles of Elixir Eneglotaria and 98 Bottles of Jarabe de Guayaco Eneglotaria. Decree of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 21633, 21634. I. S. Nos. 14509-x, 14510-x. S. No. E-5974.)

On February 14, 1927, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and con-

demnation of 408 bottles of Elixir Eneglotaria, and 98 bottles of Jarabe de Guayaco Eneglotaria, at Santurce, P. R., alleging that the articles were being offered for sale and sold in the Territory of Porto Rico by the Eneglotaria Medicine Co., Santurce, P. R., and charging misbranding in violation of the food and drugs act as amended.

Analysis by this department showed that the Elixir Eneglotaria consisted essentially of mercury and potassium iodides, sarsaparilla extract, alcohol, and water; and that the Jarabe de Guayaco Eneglotaria consisted essentially of mercury and potassium iodides, guaiacol, sugar, alcohol, and water.

It was alleged in the libel that the articles were misbranded in that the following statements regarding their curative and therapeutic effects were false and fraudulent, since the said articles contained no ingredients or combinations of ingredients capable of producing the results claimed: (Elixir Eneglotaria For the Blood, carton label, translated) "For the blood * * * Depurative of the blood used with success in cases of scrofula, eczema, rheumatism, chronic catarrh, and syphilis," (Jarabe de Guayaco Eneglotaria, carton label, translated) "Depurative and Tonic—Efficacious for affections of the blood, rheumatism, scrofula, chronic catarrh in the nose and throat, and general debility."

On June 24, 1927, the Eneglotaria Medicine Co., Inc., Santurce, P. R., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, conditioned in part that they not be sold or otherwise disposed of without first having been properly relabeled.

W. M. JARDINE, *Secretary of Agriculture.*

15329. Misbranding of butter. U. S. v. 156 Cases of Butter. Decree entered ordering product released under bond. (F. & D. No. 21902. I. S. No. 12743-x. S. No. W-2138.)

On or about April 16, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 156 cases of butter, remaining in the original unbroken packages at Riverside, Calif., alleging that the article had been shipped by the Arrow Creamery Co., from Salt Lake City, Utah, on or about April 11, 1927, and transported from the State of Utah into the State of California, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "Riverside Brand Riverside Calif. One Pound Net."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net," borne on the label, was false and misleading and deceived and misled the purchaser, since the package contained less than the quantity stated. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated on the package was not correct.

On April 21, 1927, the Arrow Creamery Co., Salt Lake City, Utah, having appeared as claimant for the property, a decree was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,700, conditioned in part that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15330. Misbranding and alleged adulteration of butter. U. S. v. 40 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21838. I. S. No. 10916-x. S. No. W-2124.)

On or about March 24, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Wasatch Dairy Co., Provo, Utah, alleging that the article had been shipped from Provo, Utah, on or about March 10, 1927, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

Adulteration of the article was alleged in the libel for the reason that a product containing less than 80 per cent of milk fat had been substituted wholly or in part for butter.

Misbranding was alleged for the reason that the word "Butter," borne on the label, was false and misleading and deceived and misled the purchaser, since the said article contained less than 80 per cent of milk fat. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 22, 1927, the Wasatch Dairy Co., Provo, Utah, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that it be relabeled and reconditioned in a manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

15331. Misbranding of canned peaches. U. S. v. 35 Cases, et al., of Canned Peaches. Product adjudged misbranded and ordered released under bond. (F. & D. No. 21175. I. S. Nos. 4282-x, 4629-x, 4630-x. S. No. C-3032.)

On July 16, 1926, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 191 cases of canned peaches, remaining in the original unbroken packages at Clinton, Mo., alleging that the article had been shipped by Fred B. Neuhoff Co., Van Nuys, Calif., and transported from the State of California into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled, in part, variously: (Cans) "Buena Vista Brand Yellow Cling Peaches * * * Fred B. Neuhoff Company, San Francisco, Los Angeles, Van Nuys, California;" "La Canada Brand Yellow Free Peaches, Fred B. Neuhoff Company, Distributors * * * Los Angeles, Calif;" "Coronado Brand Yellow Cling Peaches * * * Van Nuys Packing Co. Inc. Van Nuys, Calif. Packers; Fred B. Neuhoff Co. Distributors, Los Angeles, Calif."

It was alleged in the libel that the article was adulterated, in that a substance, excessive water or sirup, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

On September 3, 1926, the Barnett-Gerhardt-Winters Grocery Co., Clinton, Mo., claimant, having admitted the allegations of the libel and having consented to the condemnation and forfeiture of the property, a decree was entered adjudging the product misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold until it had been salvaged and relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15332. Adulteration of canned salmon. U. S. v. 1,200 Cases and 1,000 Cases of Canned Salmon. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 15602, 15926. I. S. Nos. 928-t, 929-t, 930-t, 932-t, 933-t, 1021-t, 1022-t, 1024-t, 1025-t, 4245-t, 4250-t, 4251-t, 4252-t. S. Nos. C-3313, C-3388.)

On November 18, and November 19, 1921, respectively, the United States attorney for the Middle District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 2,200 cases of canned salmon, remaining in the original unbroken packages in various lots at Nashville, Pulaski, Tullahoma, and Murfreesboro, Tenn., respectively, alleging that the article had been shipped by the W. R. Beatty Co., Vancouver, B. C., Canada, on or about October 1, 1921, and had been transported in interstate commerce into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cans) "Kay-Square Brand Select Pink Salmon, Inspected, Kenai Packing Co., Seattle, Wash." (cases) "Pink Salmon Packed By Kenai Packing Company, Drier Bay, Alaska."

It was alleged in the libels that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On January 17, 1927, Henry King & Co., Murfreesboro, Tenn., and Dobson & Co., Nashville, Tenn., having appeared as claimants for respective portions of the product, and having admitted that it contained putrid and rotten matter, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said product be released to a purchaser upon the execution of bonds totaling \$2,000, conditioned in part that it be disposed of as dog or chicken feed, and that the claimants pay the costs of the proceedings.

W. M. JARDINE, *Secretary of Agriculture.*

15333. Adulteration and misbranding of macaroni. U. S. v. 14 Cases, et al., of Macaroni. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 21209, 21210, 21211. I. S. Nos. 7581-x, 13626-x, 13627-x. S. Nos. E-5820, E-5827, E-5830.)

On August 2 and 4, 1926, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 42 boxes or cases of macaroni remaining unsold in various lots at Newark, N. J., and Passaic, N. J., respectively, alleging that the article had been shipped by the De Martini Macaroni Co., Brooklyn, N. Y., in part June 24, 1926, and in part July 13, 1926, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Tucco Brand Bologna Style * * * De Martini Macaroni Company, Inc. * * * Macaroni, Artificially Colored." The remainder of the said article was labeled in part: "Farfalloni Bologna Style Macaroni Artificially Colored," and "Tucco Brand Bologna Style * * * De Martini Macaroni Company, Inc. * * * Brooklyn, N. Y."

It was alleged in the libels that the article was adulterated, in that it was colored in a manner whereby inferiority was concealed. Adulteration of the product labeled "Farfalloni Bologna Style Macaroni" was alleged for the further reason that it contained an added poisonous or other added deleterious ingredient, borax or boric acid, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the article was an imitation of another article.

On July 26, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15334. Adulteration of celery. U. S. v. 336 Cases of Celery. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21961. I. S. No. 5964-x. S. No. E-6065.)

On June 20, 1927, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 336 cases of celery, at Rochester, N. Y., consigned by the Forest Garden Farms, Oviedo, Fla., alleging that the article had been shipped from Oviedo, Fla., on or about June 7, 1927, and transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it contained an added poisonous ingredient, arsenic, which might have been harmful to health.

On July 25, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15335. Misbranding of meat scrap. U. S. v. 400 Bags of Meat Scrap. Product ordered released. (F. & D. No. 21150. I. S. No. 10888-x. S. No. W-1988.)

On June 23, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 bags of meat scrap, remaining in the original unbroken packages at San Pedro, Calif., alleging that the article had been shipped by

the Berg Co., Inc., from Philadelphia, Pa., on or about May 7, 1926, and transported from the State of Pennsylvania into the State of California, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Berg's 50 Per Cent Protein Poultry Meat and Bone Scrap Guaranteed Analysis Min. Protein 50.00 per cent, Min. * * * Manufactured by The Berg Company, Incorporated, Philadelphia, Pa."

It was alleged in the libel that the article was misbranded, in that the statement "50 Per Cent Protein * * * Guaranteed Analysis Min. Protein 50.00 Per Cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On November 4, 1926, the Hart-Hill Grain Co., San Pedro, Calif., having filed a claim and answer admitting the misbranding of the product, and it having appeared to the court that the said product had been relabeled and reconditioned in accordance with law, a decree was entered ordering that it be released to the said claimant upon payment of the costs of the proceedings, and that the bond theretofore filed be exonerated.

W. M. JARDINE, *Secretary of Agriculture.*

15336. Adulteration of Mexican sarsaparilla root and powdered colo-cynth pulp. U. S. v. Peek & Velsor, Inc. Plea of guilty. Fine, \$20. (F. & D. No. 21599. I. S. Nos. 12044-x, 12045-x.)

On July 18, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Peek & Velsor, Inc., a corporation, trading at New York, N. Y., alleging shipment by said company in violation of the food and drugs act, from the State of New York into the State of Louisiana, on or about October 16, 1926, of a quantity of Mexican sarsaparilla root, and on or about November 13, 1926, of a quantity of powdered colocynth pulp, which articles were adulterated. The articles were labeled, in part: "Mexican Sarsaparilla Root, Peek & Velsor, New York," and "Powdered Colocynth Pulp."

It was alleged in the information that the articles were adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the strength, quality, and purity as determined by the tests laid down in said Pharmacopoeia official at the time of the investigation of the articles, in that the Mexican sarsaparilla root yielded 9.25 per cent of acid-insoluble ash, whereas the Pharmacopoeia provided that Mexican sarsaparilla root should yield not more than 4 per cent of acid-insoluble ash, and the powdered colocynth pulp yielded 16.4 per cent of acid-insoluble ash, whereas said Pharmacopoeia provided that colocynth pulp should yield not more than 6 per cent of acid-insoluble ash; and the standard of strength, quality, and purity of the said articles was not declared on the containers thereof.

On July 18, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

W. M. JARDINE, *Secretary of Agriculture.*

15337. Misbranding of butter. U. S. v. 60 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20981. I. S. No. 5621-x. S. No. E-5385.)

On March 11, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 cases of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Minnesota Cooperative Creameries Assoc., Inc., St. Paul, Minn., alleging that the article had been shipped from St. Paul, Minn., February 27, 1926, and transported from the State of Minnesota into the State of New York, and charging misbranding in violation of the food and drugs act as amended. A portion of the product was labeled in part: (Carton) "Brand * * * Minnesota Cooperative Creameries Assn. Inc. St. Paul, Minnesota." The remainder of the said article was labeled in part: (Carton) "One Pound Net Weight * * * Butter." The wholesale packages containing the article were labeled in part: (Side) "30 Pounds of Butter," (one end) "For greater purity * * * Brand Heathized for better health," (other end) "Heathized 1 Lb."

It was alleged in the libel that the article was misbranded, in that part of the cartons were in package form and the quantity of the contents was not

plainly and conspicuously marked on the outside of the package, and the remainder of the said cartons were further misbranded in that they were in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct. Misbranding was alleged for the further reason that the package or label bore the statement "One Pound Net Weight," which was false and misleading and deceived and misled the purchaser.

On March 17, 1926, the Minnesota Cooperative Creameries Assoc., Inc., Minneapolis, Minn., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, conditioned in part that it be relabeled and placed in such condition that it might be sold without violating the law.

W. M. JARDINE, *Secretary of Agriculture.*

15338. Adulteration of oranges. U. S. v. 250 Field Crates of Bulk Oranges. Default order of sale entered. (F. & D. No. 21862. I. S. No. 13968-x. S. No. C-5455.)

On March 25, 1927, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel praying seizure and condemnation of 250 field crates of bulk oranges at Chattanooga, Tenn., alleging that the article had been shipped by F. N. Hicks, from Thonotosassa, Fla., on or about March 16, 1927, and transported from the State of Florida into the State of Tennessee, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that frosted oranges, or a decomposed vegetable substance, had been substituted wholly or in part for the article. Adulteration was alleged for the further reason that the article consisted in whole or in part of a decomposed vegetable substance.

On March 31, 1927, no claimant having appeared for the property, a decree was entered ordering that the product be sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15339. Adulteration of butter. U. S. v. 12 Boxes of Butter. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 22017. I. S. No. 13282-x. S. No. 24.)

On July 14, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12, 50-pound boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned about July 6, 1927, alleging that the article had been shipped from Chicago, Ill., by the H. C. Christians Co., Johnson Creek, Wis., (Chicago, Ill.) and transported from the State of Illinois into the State of Maryland, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Ayrshire Brand * * * Creamery Butter * * * Sold by H. C. Christians Co., Johnson Creek, Wis. * * * Contents 1 Pound Net."

It was alleged in the libel that the article was adulterated, in that a substance low in butterfat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On or about July 28, 1927, the H. C. Christians Co., Chicago, Ill., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it not be sold or otherwise disposed of until reworked and the butterfat content increased to a minimum of 80 per cent.

W. M. JARDINE, *Secretary of Agriculture.*

15340. Misbranding and alleged adulteration of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20272. I. S. No. 15709-v. S. No. E-5381.)

On July 3, 1925, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Peak Products Co., from Corry, Pa., on June 29, 1925, and transported from the State of Pennsylvania into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On October 2, 1925, the Peak Products Co., Corry, Pa., having appeared as claimant for the property and having consented to the entry of a decree, judgment of the court was entered condemning the product as misbranded, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings, and the execution of a bond in the sum of \$250, conditioned in part that it be reworked, repacked, and relabeled so as to conform with the law.

W. M. JARDINE, *Secretary of Agriculture.*

15341. Misbranding of Syrup of Ambrozoin and Ambrozoin tablets. U. S. v. 3½ Dozen Bottles of Syrup of Ambrozoin, et al. Default orders of destruction entered. (F. & D. Nos. 20458, 20459, 20460, 20461. I. S. Nos. 501-x, 502-x, 503-x, 504-x. S. Nos. W-1783, W-1784.)

On September 23, 1925, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 5½ dozen bottles of Syrup of Ambrozoin, and 4½ dozen bottles of Ambrozoin tablets, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the American Apothecaries Co., from Astoria, N. Y., in various consignments, between the dates of January 19, 1925, and August 6, 1925, and transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by this department showed that the Syrup of Ambrozoin consisted essentially of ammonium chloride, sodium bromide, glycerin, sugar, alcohol, and water, with traces of terpin hydrate, an alkaloid, a phenolic compound, and menthol; and that the Ambrozoin tablets contained ammonium chloride, licorice extract, and a calcium compound, traces of terpin hydrate, and an iodide, and were sweetened with saccharin and colored pink.

It was alleged in the libels that the articles were misbranded in that the labels on the said bottles bore the following statements regarding the curative and therapeutic effects of the said articles: (Syrup of Ambrozoin) "Bronchitis, Laryngitis, Asthma, Whooping Cough, Pulmonary Phthisis, and Other Respiratory Affections In Which a Mild Sedative or Expectorant Is Required * * * Allays Cough, Promotes Expectoration, Exerts a Soothing Influence on the Inflamed Mucous Membrane of the Bronchial and Pulmonary Passages and Relieves Congestion of the Respiratory Organs * * * dose * * * repeated * * * until cough is allayed and respiratory discomfort is overcome," (Ambrozoin tablets) "Demulcent, Sedative * * * Bronchitis, Laryngitis, Pharyngitis, Whooping-cough, Asthma, Tuberculosis and other respiratory affections * * * Dose * * * every hour until relief is obtained," which statements were false and fraudulent, in that the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On April 19, 1927, no claimant having appeared for the property, judgments of the court were entered ordering that the products be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15342. (Supplement to Notice of Judgment No. 14008.) U. S. v. Sea Coast Canning Co. Judgment for the Government for forfeiture of bond. (F. & D. No. 20491. I. S. No. 3657-x. S. No. C-5030.)

At the January, 1927, term of the United States District Court, within and for the Southern District of Texas, the United States attorney for said district brought an action against the Seacoast Canning Co., Eastport, Me., for forfeiture of the bond executed by said company to insure compliance with the terms of the decree filed January 5, 1926, in the case, U. S. v. 875 Cases of Canned Sardines, involving adulteration, under the food and drugs act, of a quantity of canned sardines shipped by the Chas. (Maine) Cooperative Sardine Corp. (Co.) from Eastport, Me., into the State of Texas, on or about July 22, 1925.

On July 27, 1927, judgment was entered against the defendants, the Sea Coast Canning Co., and sureties, in the sum of \$1,000, together with interest and costs. In rendering judgment the court handed down the following opinion (Hutcheson, D. J.):

"This is a suit on a bond given in a forfeiture case authorizing the defendants under certain conditions to take the sardines on their making bond.

"The bond was made and the conditions of the bond were violated by putting the sardines into the trade before they had been inspected, and the good ones, if there were any, segregated from the bad. The defense is that there was a misunderstanding on the part of the defendants, they believing that when the Marshal delivered the sardines to them, they had been inspected.

"I agree with the Government in its position that the terms of the bond are absolute, and whether the defendants acted mistakenly or intentionally is immaterial. They took the sardines under an absolute agreement not to sell them in their adulterated state, and they did sell them. No amount of mistakes can save the fact.

"It is my opinion therefore, that judgment should go for the United States for the amount of the bond."

W. M. JARDINE, Secretary of Agriculture.

15343. Adulteration and misbranding of feed. U. S. v. Mayo Milling Co. Plea of guilty. Fine, \$100. (F. & D. No. 19764. I. S. Nos. 6526-x, 6527-x, 6710-x, 16365-v.)

On September 20, 1926, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mayo Milling Co., a corporation, Richmond, Va., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about November 1, 1924, July 21, August 19, and November 13, 1925, respectively, from the State of Virginia into the State of North Carolina, of quantities of feed, which was adulterated and misbranded. A portion of the said feed was labeled in part: "Mayo's Bull Red Dog * * * Minimum Crude Protein 17%, Minimum Crude Fat 4%, Maximum Crude Fibre 4% * * * Mayo Milling Co., Inc. Distributors, Richmond, Va." The remainder of the said feed was labeled in part: "Mayo's Bull Middlings * * * Mayo Milling Co., Inc. Distributors Richmond, Va."

Adulteration of the red dog was alleged in the information for the reason that a substance, to wit, a product other than red dog, deficient in protein and containing excessive fiber, and, with respect to a portion of the product, deficient in fat, had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted for red dog, which the said article purported to be.

Misbranding of the said red dog, was alleged for the reason that the statements, to wit, "Red Dog," "Minimum Crude Protein 17% * * * Maximum Crude Fibre 4%," with respect to all of the product, and the statement, to wit, "Fat 4%," with respect to a portion thereof, borne on the tags attached to the sacks containing the article, were false and misleading in that they represented that the said article was red dog, and contained not less than 17 per cent of protein, and not more than 4 per cent of crude fiber, and that a portion of the said article contained 4 per cent of fat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was red dog, and contained not less than 17 per cent of protein and not more than 4 per cent of crude fiber, and that a portion thereof contained 4 per cent of fat, whereas it was not red dog, but was a mixture composed in large part of a product other than red dog, and said article contained less than 17 per

cent of protein and more than 4 per cent of fiber, and the said portion contained less than 4 per cent of fat. Misbranding of the said red dog, was alleged for the further reason that it was a mixture deficient in protein, and with respect to a portion of the product also deficient in fat, and which contained excessive fiber, composed in large part of a product other than red dog, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, red dog.

Adulteration of the middlings was alleged for the reason that a mixture composed largely of a rye product had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in part for middlings, which the said article purported to be.

Misbranding of the said middlings was alleged for the reason that the statement, to wit, "Middlings," borne on the label, was false and misleading in that the said statement represented that the article was middlings, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was middlings, whereas it was not, but was a mixture composed in large part of a rye product. Misbranding was alleged for the further reason that the article was a mixture composed in large part of a rye product prepared in imitation of middlings, and was offered for sale and sold under the distinctive name of another article, to wit, middlings.

On April 26, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

15344. Adulteration and misbranding of fluidextract cinchona compound, fluidextract nux vomica, and tincture cinchona compound. U. S. v. Interstate Commerce Co. Plea of nolo contendere. Fine, \$150. (F. & D. No. 19768. I. S. Nos. 5177-x, 5182-x, 17289-v, 17293-v, 17295-v.)

On September 20, 1926, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Interstate Commerce Co., a corporation, Richmond, Va., alleging shipment by said company, in violation of the food and drugs act, in part on or about June 10, 1925, and in part on or about October 19, 1925, from the State of Virginia into the District of Columbia, of quantities of fluidextract cinchona compound, fluidextract nux vomica, and tincture cinchona compound, which were adulterated and misbranded. The articles were labeled in part: "Fluid Extract Cinchona Comp. * * * For Tinct. Cinchona Comp. (U. S. P. 1900) Fluidextract Cinchona Comp. 5 fl. ozs. * * * Alcohol 7 $\frac{3}{4}$ fl. ozs. * * * Water 2 $\frac{3}{4}$ fl. ozs. * * * Interstate Commerce Company, Inc.;" "Fluidextract Nux Vomica * * * 100 cc. of this fluidextract contains 2.5 Grams of the alkaloids of Nux Vomica * * * Interstate Commerce Co., Inc.;" "Tinct. Cinchona, Comp., U. S. P. * * * Interstate Commerce Company, Inc."

Analysis by this department of samples of the articles showed that the two samples of tincture cinchona compound contained, respectively, not more than 0.29 and 0.294 gram of the alkaloids of cinchona per 100 mils; that the two samples of fluidextract nux vomica contained respectively not less than 3.09 and 3.11 grams of the alkaloids of nux vomica per 100 mils; and that the sample of fluidextract cinchona compound yielded not more than 0.9 gram of the alkaloids of cinchona per 100 mils.

Adulteration of the fluidextract cinchona compound was alleged in the information for the reason that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented that 5 fluid ounces of the article, mixed with 7 $\frac{3}{4}$ fluid ounces alcohol and 2 $\frac{3}{4}$ fluid ounces of water yielded tincture cinchona compound as prescribed by the United States Pharmacopoeia, 1900, whereas the said article, mixed as aforesaid, would not yield tincture cinchona compound as prescribed in said United States Pharmacopoeia.

Misbranding of the fluidextract cinchona compound was alleged for the reason that the statements, to wit, "Fluid Extract Cinchona Comp. * * * For Tinct. Cinchona Comp. (U. S. P. 1900) Fluidextract Cinchona Comp. 5. fl. ozs. * * * Alcohol 7 $\frac{3}{4}$ fl. ozs. * * * Water 2 $\frac{3}{4}$ fl. ozs.," borne on the label, represented that 5 fluid ounces of the fluidextract of cinchona compound, when mixed with 7 $\frac{3}{4}$ fluid ounces of alcohol and 2 $\frac{3}{4}$ fluid ounces of water, composed tincture cinchona compound according to the test laid down in the United States Pharmacopoeia, 1900, whereas 5 fluid ounces of the fluidextract of

cinchona compound when mixed with the said proportions of alcohol and water did not compose tincture cinchona compound according to the test laid down in said United States Pharmacopoeia.

Adulteration of the fluidextract nux vomica was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia official at the time of investigation, in that it yielded more than 2.63 grams of the alkaloids of nux vomica per 100 mils, to wit, a portion of the article yielded not less than 3.11 grams and the remainder yielded not less than 3.09 grams of the alkaloids of nux vomica per 100 mils, whereas said Pharmacopoeia provided that fluidextract nux vomica should yield not more than 2.63 grams of the alkaloids of nux vomica per 100 mils; and the standard of the strength, quality, and purity of the article was not declared on the container thereof. Adulteration of the said fluidextract nux vomica was alleged for the further reason that its strength and purity fell below the professed standard and quality under which it was sold in that each 100 cubic centimeters, to wit, each 100 mils of said article, was represented to contain 2.5 grams of the alkaloids of nux vomica, whereas each 100 cubic centimeters yielded more than 2.5 grams of the alkaloids of nux vomica.

Misbranding of the fluidextract nux vomica was alleged for the reason that the statement, "100 cc. of this fluidextract contains 2.5 Grams of the alkaloids of Nux Vomica," borne on the label, was false and misleading in that the said statement represented that each 100 cubic centimeters, to wit, each 100 mils, of the article contained 2.5 grams of the alkaloids of nux vomica, whereas each 100 cubic centimeters contained more than 2.5 grams of the alkaloids of nux vomica.

Adulteration of the tincture cinchona compound was alleged for the reason that it was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopoeia official at the time of investigation of the article, in that it yielded less than 0.4 gram of the alkaloids of cinchona per 100 mils, to wit, a portion of the article yielded not more than 0.294 gram and the remainder thereof yielded not more than 0.29 gram of the alkaloids of cinchona per 100 mils, whereas said Pharmacopoeia provided that tincture cinchona compound should yield not less than 0.4 gram of the alkaloids of cinchona per 100 mils; and the standard of strength, quality, and purity of the said article was not declared on the container thereof.

Misbranding of the tincture cinchona compound was alleged for the reason that the statement, to wit: "Tinct. Cinchona Comp. U. S. P." borne on the label, was false and misleading in that the said statement represented that the article was tincture cinchona compound which conformed to the standard laid down in the United States Pharmacopoeia, whereas said article was not tincture of cinchona compound which conformed to the test laid down in said Pharmacopoeia.

On October 6, 1926, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

W. M. JARDINE, *Secretary of Agriculture.*

15345. Adulteration of scallops and misbranding of oysters. U. S. v. William E. Walker and Wade H. Walker (J. C. Walker & Bros.). Pleas of guilty. Fine, \$75. (F. & D. No. 19788. I. S. Nos. 5753-x, 6190-x.)

On October 22, 1926, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William E. Walker and Wade H. Walker, copartners, trading as J. C. Walker & Bros., Exmore, Va., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about December 17, 1925, from the State of Virginia into the State of New York, of a quantity of oysters, which were misbranded, and on or about February 1, 1926, from the State of Virginia into the State of Pennsylvania, of a quantity of scallops, which were adulterated. The oysters were labeled in part: (Can) "Minimum Volume 1 Gallon Virginia Seaside Oysters," (tag) "From J. C. Walker, Exmore, Va."

Adulteration of the scallops was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for scallops, which the said article purported to be. Adulteration of the

scallops was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

Misbranding of the oysters was alleged for the reason that the statement, to wit, "Minimum Volume 1 Gallon," borne on the label, was false and misleading in that the said statement represented that each of the cans contained not less than 1 gallon of oysters, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained not less than 1 gallon of oysters, whereas each of the cans did contain less than 1 gallon of oysters. Misbranding of the said oysters was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1926, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$75.

W. M. JARDINE, *Secretary of Agriculture.*

15346. Adulteration of scallops. U. S. v. Archie S. Doughty. Plea of guilty. Fine, \$50. (F. & D. No. 19771. I. S. Nos. 6191-x, 8010-x.)

On October 22, 1926, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Archie S. Doughty, Quinby, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 2, 1926, from the State of Virginia, in part into the State of Pennsylvania, and in part into the State of New York, of quantities of scallops, which were adulterated. The article was labeled in part: (Tag) "From Archie S. Doughty * * * P. O. Quinby, Va."

It was alleged in the information that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On November 12, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15347. Adulteration of scallops. U. S. v. Stanley F. Wallace. Plea of guilty. Fine, \$50. (F. & D. No. 19786. I. S. Nos. 8103-x, 8104-x.)

On October 22, 1926, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Stanley F. Wallace, Quinby, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 2, 1926, from the State of Virginia into the State of New York, of quantities of scallops which were adulterated. The article was labeled in part: (Tag) "From S. F. Wallace * * * Quinby, Va."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted therefrom.

On November 12, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15348. Adulteration of shell eggs. U. S. v. Rosser L. Mickelborough. Plea of guilty. Fine, \$50. (F. & D. No. 19770. I. S. No. 4970-x.)

On October 22, 1926, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Rosser L. Mickelborough, Bohannon, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about March 2, 1926, from the State of Virginia into the State of Maryland, of a quantity of eggs, which were adulterated. The article was labeled in part: "R. L. Mickelborough."

Examination by this department of 1 case containing 360 eggs showed 127, or 35 per cent, inedible eggs.

It was alleged in the information that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 8, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15349. Adulteration of scallops. U. S. v. Sidney F. Smith and Laura B. Smith (S. F. Smith & Co.), and U. S. v. Sidney F. Smith (S. F. Smith & Co.). Pleas of guilty. Fine, \$75. (F. & D. Nos. 19757, 19769. I. S. Nos. 4889-x, 5271-x, 7315-x, 7316-x, 7319-x, 8063-x, 8064-x.)

On October 22, 1926, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sidney F. Smith and Laura B. Smith, copartners, trading as S. F. Smith & Co., Oyster, Va., and on the same date an information against Sidney F. Smith, trading as S. F. Smith & Co., Oyster, Va., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments, between the approximate dates of December 17, 1925, and March 3, 1926, from the State of Virginia into the States of Massachusetts, New York, and Maryland, and the District of Columbia, of quantities of scallops, which were adulterated.

Adulteration of the article was alleged in the informations for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

On November 12, 1926, the defendants entered pleas of guilty to the informations, and the court imposed a fine of \$75, which fine covered both cases.

W. M. JARDINE, *Secretary of Agriculture.*

15350. Adulteration of apples and pears. U. S. v. 798 Boxes of Apples, et al. Tried to the court and a jury. Verdict for the Government. Decree entered ordering portion of apples destroyed. Remainder of products ordered released under bond. (F. & D. Nos. 21334, 21355, 21356. I. S. Nos. 12308-x, 12309-x, 12310-x, 12311-x. S. Nos. C-5245, C-5254.)

On or about October 16, and November 3, 1926, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district 3 libels, and on November 17, 1926, amendments to the said libels, praying seizure and condemnation of 3,192 boxes of apples and 532 boxes of pears, at Chicago, Ill., alleging that the articles had been shipped by the Suncrest Orchards, Inc., from Voorhies, Oreg., in various consignments, between the dates of September 20, and October 6, 1926, and transported from the State of Oregon into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels as amended that the articles were adulterated, in that they contained an excessive amount of poisonous substances, to wit, an arsenic compound or compounds and a lead compound or compounds, which might have rendered the said articles injurious to health.

On November 17, 1926, the Suncrest Orchards, Inc., Voorhies, Oreg., having appeared as claimant for the property, the cases came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court delivered the following instructions to the jury: (Cliffe, D. J.)

"Gentlemen of the Jury: I shall now endeavor to give you what I deem the law to be in these cases. You understand, it has been explained by counsel that there are three cases in the files of the Government before me, one case of 798 boxes more or less of apples, one of 2,394 boxes more or less of apples, and one of 532 boxes more or less of pears. These cases, the same evidence is adduced in each case. The cases have all been tried together and consolidated, but separate verdicts will be returned in each case."

"I shall now endeavor to give you what I deem to be the law in these cases. This proceeding is a civil action which commences with what is called a libel. The Government has seized under the food and drugs act, commonly called the pure food act, articles of food known as apples and pears for alleged failure to comply with the provisions of the statute. The purpose of the food and drugs act, or the pure food law so-called, is to conserve the public health by prevent-

ing interstate commerce in food containing an added poison which may render the food injurious to health, and in order that this may be effected, the offending food is subject to seizure, as it is here.

" Congress on June 30, 1906, acting upon the theory that the evil of adulterated food was of national concern enacted this statute under which these cases are now being tried, to protect the public health and to keep the purchasers from being defrauded. This statute provides that should it be determined by you that the food in question violates the law, then the Government has the right by a decree of court to have that article either condemned and destroyed or to have it salvaged and reconditioned under a bond which the claimant is required to give, conditioned that the articles be by such salvage or reconditioning put in a condition to conform to the statute.

" I charge you further, gentlemen, that pears and apples are food within the meaning of the food and drugs act. It makes no difference under this act whether the shipper or claimant knew or did not know that the food containing the added poison might injure the health of the consumer. The act forbids the channels of interstate commerce to such adulterated foods. Under the food and drugs act the time when you are to consider whether these apples and pears are in violation of this act is the present. What happened to them before the apples or pears came within the jurisdiction of the food and drugs act when they were introduced into interstate commerce is not of your concern in these cases.

" I charge you that the food and drugs act has no control over the growing of apples or pears. Your duty in this case is simply to pass upon the single question of whether the apples and pears seized do or do not comply with the provisions of this pure food act in the manner that I shall hereinafter mention to you.

" The suits are brought by the United States against the food itself, but the owner may come in and become a claimant, that is a sort of defendant in the case, and ask that it be not condemned, that the food be returned to him, denying any claim of the Government that it is adulterated. The claimants in these cases that I have mentioned are the Suncrest Orchards, Incorporated, so we have the issues here, the Government alleging certain things, and the claimants having taken the place of the food, becoming in effect a defendant.

" The statute forbids adulteration of a food product, and the articles shall be deemed to be adulterated in case of foods for a number of reasons that are set forth in the statute, but the reason in this case is under section 5 of the pure food—of the food and drugs act, which statute is sometimes called the pure food law, and I read as follows from section 5 of the act: 'For the purpose of this act an article shall be deemed adulterated in the case of food (5) If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health.'

" Now that is the statute that is in issue in this case, and raises the question you are called upon to decide, and that question is simply whether the apples and pears in controversy here contain any added poisonous or other added deleterious ingredient which may render such article injurious to health; so if you find that the articles of food contain added poisonous or other deleterious ingredient which may render such articles injurious to health, you are warranted in finding the issues for the Government and against the defendant.

" You are further instructed, gentlemen, that this case must be decided by you on the evidence under the instructions of the court and not upon the statements of counsel outside of the evidence, and unsupported by the evidence, if any such statements have been made. The evidence and law alone must govern your verdict.

" It is not required that the article of food containing added poisonous or added deleterious ingredients must affect the public health, and it is not incumbent upon the Government in order to make out a case to establish that fact. The act has placed upon the Government the burden of establishing in order to secure a verdict of condemnation under this statute, that the added poisonous or deleterious substance mentioned must be such as may render such article injurious to health. The word 'may' is here used in its ordinary and usual signification, there being nothing to show the intention of Congress to affix to it any other meaning. In thus describing the offense, Congress doubtless took into consideration that foods may be used in many ways. It may be consumed when prepared as a food and as has been spoken of here, by the

strong and weak, the old and the young, the well and the sick, and it is intended that if any food because of any added poisonous or other deleterious ingredient may possibly injure the health of any of them it shall come within the ban of the statute. If it can not by any possibility when the facts are reasonably considered injure the health of any consumer, such food may not be condemned under the act.

"There is also the question of interstate shipment, but I charge you that the interstate shipment has been admitted in the pleadings and is not controversy.

"If you find from the evidence that the apples or pears under the seizure do not contain any poison or other deleterious ingredient that may render the apples or pears injurious to health, the apples and pears will be returned to the claimant.

"I charge you that the Government must prove this case by a preponderance of the evidence. When you come to the evidence, you and not the court, are the sole judges of the credibility of the witnesses and the weight and value to be given to the testimony of the witness. You are warranted in taking into consideration their manner and appearance upon the stand, their manner of testifying, the probability or improbability of the testimony which they give, and their opportunity to see and observe and profit by and their ability to correctly relate what they did here or attempted to relate. You may take into consideration their interest in the case for the plaintiff or the claimants.

"If you find for the Government it does not necessarily mean that the apples and pears will be destroyed. Under this act if the claimants file a bond that they will clean the apples and pears so that they may not be injurious to people who eat them, the court upon application of the claimants may order these apples and pears returned to the claimants to be cleaned so that they may not be injurious to anyone who eats them.

"As I said before, gentlemen, you are to return a different and separate verdict in each case. If your verdict shall be for the plaintiff, your verdict shall be, 'We, the jury in the above entitled cause find the issues herein in favor of the United States.' If your verdict shall be for the claimants, your verdict shall be 'We, the jury in the above entitled cause, find the issues herein in favor of the claimants, Suncrest Orchards Company, Incorporated.' There are three forms of verdict, and when you arrive at a verdict in either and all of the cases, all of the jury will sign them, returning them into court.

"Any exceptions to the charge?"

MR. ADAMS. "May we have the following exceptions to the charge, your honor?"

THE COURT. "Yes, sir."

MR. ADAMS. "We request that the court instruct the jury that in all cases in this charge that he has just given where he has used the words 'added poison' or 'added substance,' he means by that that the article of food must contain or does contain an added poisonous or other deleterious ingredient. The word ingredient has sometimes been used in the charge and at other times has been spoken of very lightly."

THE COURT. "The court feels it has been practically covered, but you may preserve an exception."

MR. ADAMS. "Thank you. The next exception which we ask your honor for the purpose of saving our record is a charge to the effect that pears and apples shown to have upon them a substance in the manner in which these pears are alleged to have a substance upon them, are not within the meaning of this act."

THE COURT. "Preserve the exception."

MR. ADAMS. "The next exception and request is that we object to the court's instruction that what happened before these fruits came into interstate commerce is immaterial."

THE COURT. "Preserve the exception."

MR. ADAMS. "The next request that we desire to make is that the court instruct the jury in words or in substance as follows: That the law does not prohibit the spraying of apples or pears with lead arsenate, and a jury can not find or should not find for the Government or against the claimant Suncrest Orchards, Incorporated, even if it be shown that lead-arsenate spraying residue was upon the apples and pears or is upon the apples or pears in question, unless they believe from a preponderance of the evidence that such addition, if any, is an added poisonous or other deleterious ingredient contained in such food, such that it would render such apples or pears injurious to the health of those—or that might be injurious to the health of those—"

The COURT. "That was all covered, all covered. Save an exception. And now, how many more have you got? I don't like this way of presenting them."

Mr. ADAMS. "There are just two or three. I will try to make it as brief as possible, Judge."

The COURT. "I don't want any pettifogging here."

Mr. ADAMS. I don't intend to pettifog."

The COURT. "Go on, go on."

Mr. ADAMS. "I would like an instruction, if the court please, to the effect that the mere fact that the Federal Government has instituted libel proceedings against the apples and pears in question in the case before the jury and that the said apples and pears have been seized under such proceeding, is not to be considered as any indication whatever that the Government is right in its contention."

The COURT. "I don't think that is necessary here. Save an exception."

Mr. KELLY. "If your honor please——"

The COURT. "Never mind. Go on with your exceptions."

Mr. ADAMS. "Now, I would like to ask an instruction to this effect, that if upon any disputed fact or state of facts the evidence in this case, considered in the light of the court's instruction, is evenly balanced or in such a state of uncertainty that the jury are unable to determine in whose favor the evidence preponderates, they have no right to give the benefit of the doubt to the Government."

The COURT. "I instructed them on the preponderance of the evidence."

Mr. ADAMS. "I have done my best to follow the court's instructions, and I fail to hear that."

The COURT. "Save an exception."

Mr. ADAMS. "Mr. Kelly has one more."

Mr. KELLY. "May I offer this exception, your honor: That the claimant excepts to the instruction of the court to the effect that the verdict of the jury against the fruit does not mean that the same will be destroyed but that the same may be cleaned, for the reason that there is no evidence to support such an instruction and no evidence to show that the same may or may not be conditioned to the satisfaction of the Government or the department."

The COURT. "Overruled and exception. Retire with the jury."

On November 20, 1926, the jury returned a verdict for the Government in each case. On or about December 4, 1926, a decree of condemnation and forfeiture was entered in the case involving 798 boxes of apples, and it was ordered by the court that the said apples be destroyed by the United States marshal. On April 28, 1927, the claimant having filed bonds in the sum of \$2,000, conditioned in part that the products not be sold or otherwise disposed of contrary to law, and having paid the costs of the proceedings, decrees were entered ordering that the remaining 2,394 boxes of apples and 532 boxes of pears be released to the claimant to be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

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¹ Contains instructions to jury.

² Contains an opinion of the court.

United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15351-15400

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 15, 1928]

15351. Adulteration and alleged misbranding of butter. U. S. v. 36 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21997. I. S. Nos. 5937-x, 5939-x, 5940-x. S. No. 31.)

On July 16, 1927, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 cases of butter, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the articles had been shipped by the Meriden Creamery Co., Kansas City, Mo., July 6, 1927, and transported from the State of Missouri into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in butterfat and containing excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and in that a valuable constituent, butterfat, had been wholly or in part abstracted from the article.

Misbranding was alleged for the reason that the article was an imitation of, or offered for sale under the distinctive name of another article, and for the further reason that the following statements, borne on the labels, regarding the article or the ingredients or substances contained therein were false and misleading and deceived and misled the purchaser: "One Pound Net Weight—Farm Maid Creamery Butter;" "High Grade Gold Bar Creamery Butter One Pound Net—The Meriden Creamery Co. Kansas City, U. S. A. Hutchinson, Kans.;" and "1 Lb. Net Weight." Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On July 22, 1927, the Meriden Creamery Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered condemning the product as adulterated, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15352. Misbranding of Agmel. U. S. v. 191 Cans of Agmel. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 21443, 21444. I. S. Nos. 4579-x, 4641-x. S. Nos. C-5287, C-5288.)

On December 4, 1926, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 191 cans of Agmel, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Agmel Corporation, from Los Angeles, Calif., between the dates of November 6 and November 11, 1926, and transported from the State of California into the State of Missouri, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can label) "Nature's Remedy * * * A powerful tonic * * * For disorders of the kidneys

* * * Especially beneficial in the treatment of Bright's Disease, diabetes, rheumatism, high blood pressure, indigestion, and other disorders caused by incorrect diet and faulty assimilation. Nature's Remedy for the Stomach, Nerves and Kidneys;" (Spanish translated) "For the stomach, nerves and anemia it has no rival. Natural remedy for albuminuria and the urinary tract;" (folder) "Kidney Troubles—Agnel acts by strengthening and up-building the kidneys and increasing their ability to filter the blood. It has proved remarkably effective in relief of the following conditions: Bright's Disease—Nearly every case of Bright's Disease treated has been greatly helped or has completely yielded to Agnel. Use as outlined in general instructions. If the condition is bad, take as much Agnel as the body will stand * * * Too much is not harmful * * * Bladder Irritation * * * Many Agnel users write that they have been completely relieved of bladder irritation. * * * Prostratitis—Agnel being strongly antiseptic and tending to normalize acid condition of the blood, soothes and relieves inflamed and enlarged conditions of the prostate gland. Take a teaspoonful before each meal and again on retiring until relief is obtained. Stomach Troubles—Agnel is rich in the active yeasts, vitamines and minerals that stimulate and aid digestion and assimilation. In practically every kind of stomach trouble it tends to bring about a normal condition of health. * * * Stomach and Duodenal Ulcers * * * Agnel, in addition to bringing about a normal condition in the stomach and intestines, has decided antiseptic and anti-scorbutic properties which heal irritation and ulcers. Relief has been obtained or the inflamed or diseased condition completely corrected in a large majority of such cases * * * Diabetes—In diabetes the first few days of using Agnel sometimes has a tendency to greatly increase the amount of sugar in the urine. Do not be alarmed at this. The Agnel is driving out of the liver accumulated unoxidized sugar which the over-loaded blood stream has been unable to handle. Thus sugar will soon be carried off and within a short time the urine should begin to show less and less until it is normal. Take a teaspoonful of Agnel before each meal until relief is obtained. This quantity is usually sufficient. Strict dieting is unnecessary. High Blood Pressure—Take Agnel in the usual way, a teaspoonful before each meal. Practically every case of high blood pressure treated with Agnel has been relieved. Children's diseases—Agnel is extremely beneficial in disorders of children. It is a wonderful food for puny, anaemic and undernourished children. It carries the bone and tissue building elements, as well as the tonic iron, so necessary to growing bodies. It regulates bowels and kidneys so elimination becomes natural and complete. Bed-wetting is nearly always corrected. * * * In the case of normal, healthy children, Agnel given at least once a day will keep them in good physical and mental condition and greatly increase resistance to all disease. * * * Troubles Peculiar to Women—Agnel has proved to be a very valuable remedial food for regulating and stimulating the functions of female organs and correcting unnatural conditions. It accomplishes these things in a natural way, by building up and strengthening vital organs, nerves and tissues and purifying the blood stream. Painful Menstruation—This condition is largely produced by an anaemic condition, which Agnel corrects. Take a teaspoonful of Agnel before each meal, and again before retiring. Usually Agnel is successful in bringing about natural, regular and painless menstruation. Change of Life—Agnel added to the diet during the period known as change of life acts as a regulator and balancer to the disturbed system. * * * Other Ailments—Anaemia—Agnel is unquestionably recommended for this condition * * * Cases have come to our notice where the use of Agnel has been found to be effective in the relief of goiter, which is, undoubtedly, a food deficiency disease. Agnel relieves this condition by supplying the substances needed to enrich the blood, which are lacking in the average diet. * * * Piles * * * Agnel is antiseptic and healing to diseased and inflamed conditions. Practically all rectal troubles are relieved by Agnel and it is efficacious when used as an external ointment. * * * Rheumatism—Many people who use Agnel claim to have been entirely relieved of rheumatism. Agnel, being alkaline in reaction, tends to counteract acidosis, which is one of the causes of different rheumatic conditions. It restores the body to a condition of health so that neither rheumatism, nor any other disease, can exist. * * * Agnel is becoming generally recognized as an excellent preventive of disease and when kept on hand and used occasionally, tends to keep a healthy person in perfect condition."

Analysis by this department showed that the article consisted essentially of a concentrated plant juice. It contained approximately 60 per cent of sugars (sucrose and invert sugar).

It was alleged in the libel that the article was misbranded, in that the above quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On August 12, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15353. Adulteration of chocolate cream bars. U. S. v. 160 Cartons of Chocolate Cream Bars. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 21993. I. S. No. 17272-x. S. No. 40.)

On July 27, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 160 cartons of chocolate cream bars, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Hoefler's Centennial Chocolate Co., from San Francisco, Calif., on or about July 5, 1927, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Hoefler's Centennial Chocolates Hoefler's San Francisco, Calif."

It was alleged in the libel that the article was adulterated in violation of section 7 of the act, in the case of confectionery, in that it contained a spirituous liquor.

On August 24, 1927, Lang, Senders & Co., Portland, Oreg., having appeared and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15354. Adulteration of scallops and misbranding of oysters. U. S. v. Albert L. Doughty. Pleas of guilty. Fine, \$75. (F. & D. Nos. 19760, 19779. I. S. Nos. 5754-x, 8102-x.)

On October 22, 1926, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against Albert L. Doughty, trading as A. L. Doughty, Willis Wharf, Va., alleging shipment by said defendant, in violation of the food and drugs act as amended, from the State of Virginia into the State of New York, on or about December 19, 1925, of a quantity of oysters, which were misbranded, and on or about February 1, 1926, of a quantity of scallops, which were adulterated. The articles were labeled "Minimum Volume 1-Gallon."

Adulteration of the scallops was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for scallops, which the said article purported to be. Adulteration of the said scallops was alleged for the further reason that a valuable constituent, to wit, scallop solids, had been abstracted in part from the article.

Misbranding of the oysters was alleged for the reason that the statement "Minimum Volume 1-Gallon," borne on the cans containing the article, was false and misleading in that the said statement represented that the said cans each contained not less than 1 gallon of oysters, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the cans each contained not less than 1 gallon of oysters, whereas the said cans did not each contain 1 gallon of oysters, but did contain a less quantity. Misbranding of the oysters was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 12, 1926, the defendant entered pleas of guilty to the informations, and the court imposed a fine of \$75, which fine covered both cases.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15355. Adulteration of shell eggs. U. S. v. Samuel Fletcher Barnes (S. F. Barnes). Plea of guilty. Fine, \$10. (F. & D. No. 21557. I. S. No. 7891-x.)

On March 18, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel Fletcher Barnes, trading as S. F. Barnes, Nokomis, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 14, 1926, from the State of Virginia into the State of Maryland, of a quantity of eggs, which were adulterated. The article was labeled in part: (Case) "From S. F. Barnes, Nokomis, Va."

Examination by this department of one case containing 360 eggs from the shipment showed 57, or 14.1 per cent, inedible eggs.

It was alleged in the information that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 4, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15356. Adulteration and misbranding of black pepper. U. S. v. 10 Cartons of Black Pepper. Default order of destruction entered. (F. & D. No. 21257. I. S. No. 3313-x. S. No. C-5222.)

On August 23, 1926, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cartons of black pepper, remaining in the original unbroken packages at Minnesota Transfer, Minn., alleging that the article had been shipped by the Biston Coffee Co., from St. Louis, Mo., July 16, 1926, and transported from the State of Missouri into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Six Lbs. Net Black Pepper From Biston Coffee Co., St. Louis, Mo. U. S. A."

It was alleged in the libel that the article was adulterated, in that substances, ground rice and cayenne pepper, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Black Pepper," borne on the label, was false and misleading and deceived and misled the purchaser, and in that it was offered for sale under the distinctive name of another article.

On July 8, 1927, upon the filing of an affidavit by the United States attorney to the effect that the product was unfit for consumption as food, a decree was entered by the court ordering that the said product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15357. Misbranding of dates. U. S. v. 9 Crates of Dates. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 21979. I. S. No. 17239-x. S. No. 18.)

On July 18, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 crates of dates, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by S. B. McMillan, from Wilmington, Calif., on or about July 7, 1927, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail package) "Coachella Valley Fancy California Dates Grown and Packed by The Dunes Ranch Net Weight 8 Ozs. * * * Indio, Calif."

It was alleged in the libel that the article was misbranded, in that the statement "Net Weight 8 Ozs.," borne on the label, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 24, 1927, the Pacific Fruit & Produce Co., Portland, Oreg., having appeared and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15358. Misbranding of Syrup of Ambrozoin. U. S. v. 16 Dozen and 2 Dozen Bottles of Syrup of Ambrozoin. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20396, 20397. I. S. No. 84-x. S. No. W-1771.)

On August 29, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 dozen bottles of Syrup of Ambrozoin, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the American Apothecaries Co., from Astoria, N. Y., April 15, 1925, and transported from the State of New York into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by this department showed that the article consisted essentially of ammonium chloride, sodium and potassium bromides, small amounts of plant extracts, a trace of creosote, benzoic acid, alcohol, sugar, and water.

It was alleged in substance in the libel that the article was misbranded in that the following statements borne on the labels: (Bottle label) "Syrup of Ambrozoin * * * Bronchitis, Laryngitis, Asthma, Whooping Cough, Pulmonary Phthisis and other Respiratory Affections in which a mild sedative or expectorant is required. * * * Allays Cough. Promotes Expectoration. Exerts a soothing influence on the Inflamed Mucous Membrane of the Bronchial and Pulmonary Passages and relieves Congestion of the Respiratory Organs * * * Dose * * * repeated * * * until cough is allayed and respiratory discomfort is overcome;" (carton) "Bronchitis, Laryngitis, Asthma, Whooping Cough, Pulmonary Phthisis * * * And Other Respiratory Affections In Which A Mild Sedative Or Expectorant Is Required. * * * Allays Cough Promotes Expectoration * * * Exerts a Soothing Influence on the Inflamed Mucous Membrane of the Respiratory Passages," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed for it.

On or about July 5, 1927, the American Apothecaries Co., Astoria, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the filing of a cash bond in the sum of \$200, conditioned in part that it be made to conform to and with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15359. Misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21739. I. S. No. 7297-x. S. No. E-6035.)

On March 17, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of cottonseed meal, remaining in the original unbroken packages at Union Bridge, Md., alleging that the article had been shipped by the International Vegetable Oil Co., Inc., from Augusta, Ga., on or about October 30, 1926, and transported from the State of Georgia into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "High Grade Cotton Seed Meal, Guaranteed Analysis: Protein (Minimum) 41.00% * * * Manufactured by the International Vegetable Oil Company, Atlanta, Georgia."

Misbranding of the article was alleged in the libel for the reason that the statement "Guaranteed Analysis: Protein (Minimum) 41.00%," borne on the label, was false and misleading and deceived and misled the purchaser.

During the month of September, 1927, Thomas & Co., Frederick, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,200, conditioned in part that it be relabeled to show its true protein content.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15360. Adulteration of figs. U. S. v. 645 Boxes, et al., of Figs. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21881, 21900, 21933. I. S. Nos. 13781-x, 13786-x, 13788-x. S. Nos. E-6105, E-6126, E-6139.)

On April 30, May 4, and May 23, 1927, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 2,618 boxes of figs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Rosenberg Bros. & Co., in part from San Francisco, Calif., and in part from Fresno, Calif., in various consignments, on or about March 5, 7, 23, and May 10, 1927, respectively, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 13, 1927, Rosenberg Bros. & Co., San Francisco, Calif., and the Sawyer Biscuit Co., Inc., New York, N. Y., claimants for respective portions of the property, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds totaling \$9,100, conditioned in part that the figs be used in the manufacture of tobacco.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15361. Adulteration of figs. U. S. v. 2,000 Bags, et al., of Dried Figs. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 21824, 21880, 21910. I. S. Nos. 13777-x, 13778-x, 13787-x. S. Nos. E-3283, E-6104, E-6128.)

On April 28 and 29, and May 11, 1927, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 3,670 sacks of dried figs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the California Seedless Raisin Co., in part from Oakland, Calif., and in part from Fresno, Calif., in various consignments between February 26, 1927, and March 23, 1927, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy, moldy, filthy, and sour figs.

On July 26, and August 23, 1927, respectively, James Kutsukian and the Sawyer Biscuit Co., Inc., New York, N. Y., claimants for respective portions of the property, having admitted the allegations of the libel and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds totaling \$12,700, conditioned in part that it be used in the manufacture of tobacco.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15362. Adulteration of figs. U. S. v. 1,000 Sacks, et al., of Dried Figs. Product ordered released under bond. (F. & D. No. 21858. I. S. Nos. 17016-x, 17018-x. S. No. E-3284.)

On April 28, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,500 sacks of dried figs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the California Seedless Raisin Co., from Oakland, Calif., between the dates of March 29, 1927, and April 4, 1927, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 16, 1927, the California Seedless Raisin Co., Oakland, Calif., having appeared as claimant for the property, a decree was entered ordering that the

product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that it be exported for distillation for alcoholic purposes or for the manufacture of tobacco, or that it be used in domestic industry in the manufacture of tobacco.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15363. Adulteration of figs. U. S. v. 354 Bags of Dried Figs. Tried to the court and a jury. Verdict for the Government. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21882. I. S. No. 13780-x. S. No. E-6106.)

On April 30, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 354 bags of dried figs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the J. P. Hynes Packing Co., from Sacramento, Calif., on or about March 26, 1927, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy, moldy, filthy, sour, bird pecked figs.

On July 11, 1927, Wm. A. Higgins & Co., Inc., New York, N. Y., having appeared as claimant for the property, the case came on for trial before the court and a jury. By direction of the court the jury returned a verdict for the Government. On August 25, 1927, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, conditioned in part that it be labeled "Not for Human Consumption," and should not be used for human consumption or for purposes other than the distillation of alcohol, manufacture of tobacco, or use as hog feed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15364. Adulteration of figs. U. S. v. 3,320 Boxes of Dried Figs. Tried to the court and a jury. Verdict for the Government. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21884. I. S. No. 13782-x. S. No. E-6108.)

On April 30, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3,320 boxes of dried figs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Rosenberg Bros. & Co., from San Francisco, Calif., on or about March 8, 1927, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy, moldy, filthy, sour, and bird pecked figs.

On July 11, 1927, Wm. A. Higgins & Co., Inc., New York, N. Y., having appeared as claimant for the property, the case came on for trial before the court and a jury. By direction of the court the jury returned a verdict for the Government. On August 27, 1927, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$5,000, conditioned in part that it be labeled "Not for Human Consumption," and should not be used for human consumption or for purposes other than the distillation of alcohol, manufacture of tobacco, or use as hog feed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15365. Adulteration of dried figs. U. S. v. 1,500 Cases of Dried Figs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21878. I. S. No. 13779-x. S. No. E-6102.)

On April 30, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,500 cases of dried figs, remaining in the original unbroken

packages at New York, N. Y., alleging that the article had been shipped by the Malaga Packing Co., from Fresno, Calif., March 23, 1927, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 3, 1927, the Malaga Packing Co., Fresno, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,250, conditioned in part that it be labeled "Not for Human Consumption," and should not be used for human consumption or for purposes other than the distillation of alcohol, manufacture of tobacco, or use as hog feed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15366. Adulteration of dried figs. U. S. v. 4,000 Cases of Dried Figs. Tried to the court and a jury. Directed verdict for the Government. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21883. I. S. No. 13783-x. S. No. E-6107.)

On April 30, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4,000 cases of dried figs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the California Packing Corporation, from San Francisco, Calif., on or about March 26, 1927, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy, moldy, filthy, sour, and bird pecked figs.

On July 11, 1927, Wm. A. Higgins & Co., Inc., New York, N. Y., having appeared as claimant for the property, the case came on for trial before the court and a jury. After the submission of evidence for the Government, no witnesses having been called by the claimant, the court directed a verdict in favor of the Government. On August 25, 1927, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, conditioned in part that the boxes of figs be labeled "Not for Human Consumption," and should not be used for human consumption or for purposes other than the distillation of alcohol, manufacture of tobacco, or use as hog feed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15367. Adulteration of figs. U. S. v. 960 Cases of Figs. Tried to the court and a jury. Directed verdict for the Government. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21879. I. S. No. 16153-x. S. No. E-6108.)

On April 29, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 960 cases of figs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the J. B. Inderrieden Co., from Fresno, Calif., on or about March 29, 1927, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Monogram Brand White Adriatic Figs. Packed by J. B. Inderrieden Co., Fresno, Cal. U. S. A."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy, moldy, filthy, sour, bird pecked figs.

On July 11, 1927, Wm. A. Higgins & Co., Inc., New York, N. Y., having appeared as claimant for the property, the case came on for trial before the court and a jury. A directed verdict for the Government was entered. On August 27, 1927, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of

a bond in the sum of \$1,000, conditioned in part that it be labeled "Not for Human Consumption," and should not be used for human consumption or for purposes other than the distillation of alcohol, manufacture of tobacco, or use as hog feed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15368. Adulteration of butter. U. S. v. 50 Boxes of Butter. Decree of condemnation and forfeiture entered. Product released under bond.
(F. & D. No. 22047. I. S. No. 13294-x. S. No. 57.)

On or about August 10, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 ten-pound boxes of butter, shipped on or about July 19, 1927, remaining in the original unbroken packages at Norfolk, Va., alleging that the article had been shipped by the North State Creamery Co., Burlington, N. C., and transported from the State of North Carolina into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Carton) "Dixie Brand Creamery Butter * * * North State Creamery Co. Burlington, N. C."

It was alleged in the libel that the article was adulterated, in that a substance low in butterfat had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

On September 14, 1927, the North State Creamery Co., Burlington, N. C., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it not be sold or otherwise disposed of until reconditioned.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15369. Adulteration and misbranding of oysters. U. S. v. Samuel James Robinson and William H. Stevens (W. H. Stevens & Co.). Pleas of guilty. Fines, \$30. (F. & D. No. 21574. I. S. Nos. 2336-x, 13849-x, 14942-x.)

On April 28, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Samuel James Robinson and William H. Stevens, copartners, trading as W. H. Stevens & Co., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about November 15, 1926, from the State of Delaware into the State of Ohio, and on or about November 22, 1926, from the State of Delaware into the State of New York, of quantities of oysters, a portion of which were adulterated and the remainder of which were adulterated and misbranded. A portion of the article was labeled: (Cans) "1 Gallon Del. 3."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality, and had been substituted in part for oysters, which the said article purported to be.

Misbranding was alleged with respect to a portion of the product for the reason that the statement, to wit, "1 Gallon," borne on the can labels, was false and misleading in that the said statement represented that the cans each contained not less than 1 gallon of oysters, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans each contained 1 gallon of oysters, whereas each of the cans did not contain 1 gallon of the article. Misbranding was alleged with respect to the said portion of the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 16, 1927, the defendants entered pleas of guilty to the information and the court imposed fines totaling \$30.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15370. Adulteration of shell eggs. U. S. v. 384 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20363. I. S. No. 1403-x. S. No. C-4793.)

On July 29, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 384 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by B. W. Hayden, from Wray, Colo., July 24, 1925, and transported from the State of Colorado into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On August 10, 1925, B. W. Hayden, Wray, Colo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that the eggs be candled under the supervision of this department, the good portion released, and the remainder destroyed.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15371. Adulteration of tomato puree. U. S. v. 96 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21949. I. S. No. 4693-x. S. No. C-5476.)

On June 7, 1927, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 96 cases of tomato puree, remaining in the original unbroken packages at East St. Louis, Ill., alleging that the article had been shipped by the Frankton Ideal Canning Co., from Frankton, Ind., on or about April 14, 1927, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On August 9, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15372. Adulteration and misbranding of grape jelly. U. S. v. 40 Dozen Jars of Grape Jelly. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 21963. I. S. No. 16399-x. S. No. E-6141.)

On June 27, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 40 dozen jars of grape jelly, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Richard Brinkman from West New York, N. J., on or about April 21, 1927, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Mrs. Brinkman's Pure Home Made Grape Jelly, * * 7 Oz. Net, Jersey City."

It was alleged in substance in the libel that the article was adulterated, in that a substance, pectin jelly, had been substituted wholly or in part for the said article, and in that a substance, pectin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statement "Pure Home Made Grape Jelly, 7 Oz. Net" was false and misleading and deceived and misled the purchaser, for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quality (quantity) was not plainly and conspicuously marked on the outside of the package.

On September 19, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution for consumption and not for sale.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15373. Adulteration and misbranding of butter. U. S. v. 344 Tubs, et al., of Butter. Consent decrees entered ordering product released under bond. (F. & D. Nos. 21918, 21939, 21956. I. S. Nos. 14303-x, 15934-x, 15936-x. S. Nos. C-5466, C-5468, C-5475.)

On or about April 27, May 2, and May 17, 1927, respectively, the United States attorney for the Eastern District of Michigan, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,035 tubs of butter, remaining unsold in the original tubs at Detroit, Mich., alleging that the article had been shipped by the Minnesota Creamery & Produce Co., from St. Paul, Minn., in various consignments, on or about April 16, April 23, and May 6, 1927, respectively, and transported from the State of Minnesota into the State of Michigan, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated, in that it was deficient in butterfat.

It was further alleged in the libels that the article was misbranded in violation of section 8 of the act.

On May 3, 17, and 21, 1927, respectively, the Minnesota Creamery & Produce Co., St. Paul, Minn., having appeared as claimant for the property and having consented to the condemnation and forfeiture of the product, judgments were entered ordering that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$2,950, conditioned in part that it be reworked under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15374. Adulteration of butter. U. S. v. 18 Tubs of Butter. Decree of condemnation and forfeiture. Product ordered released. (F. & D. No. 21955. I. S. No. 16447-x. S. No. E-6114.)

On or about May 26, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 18 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about May 14, 1927, alleging that the article had been shipped by Peter Fox & Sons Co., Chicago, Ill., and transported from the State of Illinois into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of Congress of March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On June 9, 1927, the Chapin & Adams Co., Boston, Mass., having appeared as claimant for the property, and the product having been reconditioned under the supervision of this department, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15375. Adulteration of oranges. U. S. v. 300 Boxes of Oranges. Default order entered ratifying sale of product. (F. & D. No. 21793. I. S. No. 15301-x. S. No. C-5424.)

On or about March 16, 1927, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 boxes of oranges, at Jackson, Miss., alleging that the article had been shipped by J. E. Montgomery, Inc., Palmetto, Fla., on or about March 8, 1927, and transported from the State of Florida into the State of Mississippi, and charging adulteration in violation of the food and drugs act.

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that a substance, an inedible product, had been substituted wholly or in part for the said article, and in that it consisted in whole or in part of a decomposed vegetable substance.

On May 6, 1927, no claimant having appeared for the property, and the United States marshal having been forced to sell the product because of its perishable nature, judgment of the court was entered ratifying said sale.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15376. Adulteration of oranges and grapefruit. U. S. v. 1 Car of Oranges and Grapefruit. Default order entered ratifying sale of products. (F. & D. No. 21853. I. S. Nos. 3864-x, 3865-x. S. No. C-5446.)

On March 25, 1927, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 car of oranges and grapefruit, at Jackson, Miss., alleging that the articles had been shipped by F. N. Hicks from Thonotosassa, Fla., on or about March 19, 1927, and transported from the State of Florida into the State of Mississippi, and charging adulteration in violation of the food and drugs act.

Examination of the articles by this department showed that they consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the said oranges and grapefruit were adulterated, in that they consisted in whole or in part of decomposed vegetable substances.

On May 6, 1927, no claimant having appeared for the property, and the United States marshal having been forced to sell the products because of their perishable nature, judgment of the court was entered ratifying said sale.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15377. Adulteration of canned cherries. U. S. v. 19 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22070. I. S. No. 16856-x. S. No. 108.)

On September 26, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 cases of canned cherries, remaining in the original unbroken packages at Boston, Mass., consigned about August 30, 1927, alleging that the article had been shipped by the Genesee Jam Kitchen, Inc., of Genesee, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 13, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15378. Adulteration of molasses feed. U. S. v. Arcady Farms Milling Co. Plea of guilty. Fine, \$50. (F. & D. No. 21587. I. S. Nos. 8435-x, 9392-x.)

On July 19, 1927, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Arcady Farms Milling Co., a corporation, North Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about May 30, 1926, from the State of Missouri into the State of Kansas, and on or about June 23, 1926, from the State of Missouri into the State of Iowa, of quantities of molasses feed which was adulterated. The article was labeled in part: "Special 60% Molasses Feed Manufactured By Arcady Farms Milling Company Chicago, Ill., No. Kansas City, Mo., East St. Louis, Ill. Guaranteed Analysis Protein 09.0 Fat 04.0. Fibre not over 09.0."

It was alleged in the information that the article was adulterated, in that a substance, to wit, a feed containing less than 9 per cent of protein, less than 4 per cent of fat, and more than 9 per cent of fiber, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article.

On September 7, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15379. Misbranding of crackers. U. S. v. Frank E. Block Co. Plea of guilty. Fine, \$250. (F. & D. No. 21563. I. S. Nos. 6744-x, 6745-x, 6750-x, 6751-x, 7468-x, 7469-x, 7470-x, 7471-x.)

On March 1, 1927, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against the Frank E. Block Co., a corporation, Atlanta, Ga., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on January 29, February 9, and July 3, 1926, respectively, from the State of Georgia into the State of North Carolina, of quantities of crackers, which were misbranded. The articles were labeled, variously, in part: (Packages) "Lemon Snaps Contents Average 26 Biscuit 4 Ounces Frank E. Block Co Atlanta;" "Vanilla Waferettes The Kennesaw Brand Contents Average 24 Biscuit 3½ Ounces (or "2¾ Ounces");" "Block's Cheeselets Net Weight 2¾ Ozs.;" "Block Soda Crackers * * * Net Weight 4½ Ounces;" "Block's Kennesaw Biscuit * * * Contents Average 22 Biscuit 4¾ Ounces;" "Block Milk Biscuit Contents Average 24 Biscuit, 4¾ Ounces."

It was alleged in the information that the articles were misbranded, in that the statements, to wit, "Contents Average 26 Biscuit," and "4 Ounces," with respect to the lemon snaps; "Contents Average 24 Biscuit 3½ Ounces," or "Contents Average 24 Biscuit 2¾ Ounces," with respect to the vanilla waferettes; "Net weight 2¾ Ozs.," with respect to the cheeselets; "Net Weight 4½ Ounces," with respect to the soda crackers; "Contents Average 22 Biscuit, 4¾ Ounces," with respect to the Kennesaw biscuit; and "Contents Average * * * 4¾ Ounces," with respect to the milk biscuit, borne on the packages containing the respective products, were false and misleading in that the said statements represented that the packages contained the numerical amounts and the net weights declared on the labels thereof, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained the numerical amounts and the net weights declared on the said labels, whereas the said packages contained less than the declared net weights, and the packages of lemon snaps averaged less than 26 biscuit, the packages of vanilla waferettes averaged less than 24 biscuit, and the packages of Kennesaw biscuit averaged less than 22 biscuit. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 15, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15380. Adulteration of canned cherries. U. S. v. 100 Cases of Canned Cherries. Product ordered released under bond to be reconditioned. (F. & D. No. 21530. I. S. Nos. 2298-x, 11935-x. S. No. C-5104.)

On January 13, 1927, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 cases of canned cherries, at Cleveland, Ohio, alleging that the article had been shipped by the Newfane Preserving Co., from Newfane, N. Y., on or about August 14, 1926, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pennant Brand New York State Pitted Red Cherries * * * Packed by Newfane Preserving Co., Newfane, N. Y."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 30, 1927, the K. L. Stevens Co., Cleveland, Ohio, claimant, having admitted the allegations of the libel and having consented to the entry of an order in conformance with the prayer of the said libel, judgment was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that the said cherries be reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15381. Adulteration and misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21498. I. S. No. 13604-x. S. No. E-5919.)

On or about January 3, 1927, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of cottonseed meal, remaining in the original unbroken packages at Miami, Fla., alleging that the article had been shipped by the Empire Cotton Oil Mills, from Valdosta, Ga., on or about November 2, 1926, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. * * * Second Class Cottonseed Meal * * * Guaranteed Analysis Ammonia * * * 7.00%."

Adulteration of the article was alleged in the libel for the reason that a substance, cottonseed feed which contained less than 7 per cent ammonia, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Ammonia * * * 7.00%," borne on the label, was false and misleading and deceived and misled the purchaser.

On March 26, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the 9 sacks of the product actually seized be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15382. Adulteration of butter. U. S. v. 10 Boxes of Butter. Product re-worked and ordered released. (F. & D. No. 21274. I. S. No. 11031-x. S. No. W-2002.)

On or about August 3, 1926, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the Farmers Union Cooperative Creamery, from Billings, Mont., on or about July 15, 1926, and transported from the State of Montana into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Sweet Grass Cry., Big Timber, Mont."

It was alleged in the libel that the article was adulterated, in that a product deficient in milk fat had been substituted wholly or in part for butter, and in that a valuable constituent, namely, milk fat, had been partially abstracted from the said article.

On September 30, 1926, the Sweet Grass County Creamery and J. H. Trower, Big Timber, Mont., having appeared as claimants for the property, and the court having found that the product had been reworked and made to comply with the requirements of the law, a decree was entered ordering that it be released to the said claimants upon payment of the costs of the proceedings, and that the bond theretofore filed be exonerated.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15383. Adulteration of butter. U. S. v. 51 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21162. I. S. No. 5541-x. S. No. E-5781.)

On June 24, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 51 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 5, 1926, alleging that the article had been shipped by the Miles Friedman Co., Chicago, Ill., and transported from the State of Illinois into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it was deficient in butterfat.

On July 13, 1926, the Miles Friedman Co., Chicago, Ill., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, conditioned in part that it be reconditioned to contain at least 80 per cent of butterfat, and be relabeled to show the true quantity of the contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15384. Adulteration and misbranding of butter. U. S. v. 20 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21999. I. S. No. 16467-x. S. No. 23.)

On July 13, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 boxes of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 29, 1927, alleging that the article had been shipped by the David Cole Creamery Co., Omaha, Nebr., and transported from the State of Nebraska into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated, in that it was deficient in butterfat.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the statement made was incorrect.

On July 29, 1927, the David Cole Creamery Co., Omaha, Nebr., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of \$500 in lieu of bond, conditioned that the butter be reconditioned under the supervision of this department so that it contain at least 80 per cent of butterfat and the containers relabeled to show the true quantity of the contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15385. Misbranding of red oats. U. S. v. 300 Sacks of Red Oats. Decree of condemnation entered. Product released under bond. (F. & D. No. 21936. I. S. No. 15884-x. S. No. C-5471.)

On May 25, 1927, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of red oats, at North Little Rock, Ark., alleging that the article had been shipped by the Marshall Mill & Elevator Co., from Marshall, Texas, on or about May 9, 1927, and transported from the State of Texas into the State of Arkansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "159 net," and was invoiced as "No. 2 Red Oats."

It was alleged in the libel that the article was misbranded, in that the statement "159 net" was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On May 25, 1927, the Hayes Grain & Commission Co., Little Rock, Ark., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, and it was further ordered by the court that the said product be reconditioned by adding sufficient pounds of the article to each sack to bring it up to the declared weight.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15386. Adulteration and misbranding of preserves. U. S. v. 52 Cases of Preserves. Products ordered released under bond to be relabeled. (F. & D. No. 21962. I. S. Nos. 13028-x to 13033-x, incl. S. No. W-2162.)

On June 23, 1927, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure

and condemnation of 52 cases of preserves, at Albuquerque, N. Mex., alleging that the articles had been shipped by Libby, McNeill & Libby, from Blue Island, Ill., February 3, 1926, and transported from the State of Illinois into the State of New Mexico, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Rival Brand * * * Artificially Colored, Added Phosphoric Acid, Corn Syrup, Sugar, Apple Pectin Blackberry (or "Strawberry," or "Peach," or "Loganberry," or "Red Raspberry," or "Pineapple") Preserves, Packed by Peter J. Kasper Co., Chicago, Ill."

It was alleged in substance in the libel that the articles were adulterated and misbranded, in that the said statements upon the cases and labels regarding the said articles, were false and misleading and were calculated to deceive and did deceive the purchaser since a substance deficient in fruit had been mixed and packed with the said preserves so as to reduce, lower, and injuriously affect their quality and strength, and had been substituted wholly or in part for phosphoric acid, corn sirup, sugar, apple pectin fruit preserves, which the articles purported to be.

On August 8, 1927, the Peter J. Kasper Co., Chicago, Ill., having appeared as claimant for the property, and the court having found that the products should be labeled, in part, "Imitation Preserves," judgment was entered ordering that the products be released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, and should not be sold or disposed of until correctly labeled.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15387. Misbranding of middlings. U. S. v. 300 Bags of Middlings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21980. I. S. No. 13326-x. S. No. 14.)

On July 19, 1927, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 bags of middlings, remaining in the original unbroken packages at Gettysburg, Pa., alleging that the article had been shipped by the Continental Milling Co., from Ellicott City, Md., on or about June 24, 1927, and transported from the State of Maryland into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Lbs. Continental Choice Middlings * * * The Continental Milling Co., Ellicott City, Md."

Misbranding of the article was alleged in the libel for the reason that the statement "100 Lbs." borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 20, 1927, the Continental Milling Co., Ellicott City, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it not be sold or otherwise disposed of until examined and passed by this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15388. Adulteration and misbranding of butter. U. S. v. Harrow-Taylor Butter Co. Plea of guilty. Fine, \$50. (F. & D. No. 21594. I. S. Nos. 2274-x, 2284-x, 5082-x.)

On August 12, 1927, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Harrow-Taylor Butter Co., a corporation, Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about July 26, and August 5, 1926, respectively, from the State of Missouri into the State of Ohio, and on or about July 20, 1926, from the State of Missouri into the State of Maryland, of quantities of butter, which was adulterated and misbranded. A portion of the article was labeled, in part: "Richfield Creamery Butter * * * Harrow-Taylor Butter Co. Kansas City." The remainder of the said article was labeled, in part "Creamery Butter."

It was alleged in the information that the article was adulterated, in that a substance containing less than 80 per cent by weight of milk fat had been

substituted for butter, a product which must contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Creamy Butter," borne on the label, was false and misleading in that the said statement represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was not butter as prescribed by law but was a product containing less than 80 per cent by weight of milk fat.

On September 1, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15389. Misbranding of canned tomatoes. U. S. v. 278 Cases, et al., of Canned Tomatoes. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 21427, 21428. I. S. Nos. 13584-x, 13585-x, 13593-x, 13594-x. S. No. E-5678.)

On or about December 6, and December 7, 1926, respectively, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 702 cases of canned tomatoes, remaining unsold, in part at Jacksonville, Fla., and in part at Tampa, Fla., alleging that the article had been shipped by W. E. Robinson & Co., in part from Tipers, Va., and in part from Bel Air and Baltimore, Md., in various consignments, on or about August 27, September 3, September 28, and October 9, 1926, respectively, and had been transported from the States of Virginia and Maryland, respectively, into the State of Florida, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Osceola Brand Tomatoes Net Weight of Contents 1 Pound 3 Ounces (or "Net Weight of Contents 2 Pounds")."

Misbranding of the article was alleged in the libels for the reason that the statements "Net Weight of Contents 1 Pound 3 Ounces," and "Net Weight of Contents 2 Pounds," borne on the labels of the respective sized cans, were false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 17, and June 13, 1927, respectively, W. E. Robinson & Co. having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon the execution of bonds totaling \$1,100, conditioned in part that it be relabeled or overhauled so as to comply with the law, and it was further ordered by the court that the claimant pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15390. Adulteration of canned cherries. U. S. v. 54 Cases of Pie Makers' Special Sour Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22059. I. S. No. 20057-x. S. No. 99.)

On September 15, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 54 cases of pie makers' special red sour cherries, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by G. S. Salter, Victor, N. Y., on or about July 23, 1927, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pie Makers Special Red Sour Cherries * * * Packed by G. C. Salter, Manchester, N. Y."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 5, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15391. Adulteration of mineral water. U. S. v. Benscot Mineral Springs Co. Plea of guilty. Fine, \$100. (F. & D. No. 21589. I. S. Nos. 1748-x, 12008-x.)

On April 30, 1927, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Benscot Mineral Springs Co., a corporation, Austell, Ga., alleging shipment by said company, in violation of the food and drugs act, in part on or about July 27, 1926, and in part on or about August 6, 1926, from the State of Georgia into the State of Alabama, of quantities of mineral water, which was adulterated. The article was labeled in part: "Benscot Mineral Springs Company. Natural Mineral Spring Water * * * Austell, Cobb Co. Ga."

A bacteriological examination by this department of samples of water from this shipment showed the water to be polluted.

It was alleged in the information that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On October 1, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15392. Misbranding of Sauer Ju. U. S. v. 24 Cases of Sauer Ju. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21704. I. S. No. 11133-x. S. No. W-2101.)

On or about March 4, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 cases of Sauer Ju, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped by the C. M. Bogle Packing Co., from Seattle, Wash., on or about February 12, 1927, and transported from the State of Washington into the State of California, and charging misbranding in violation of the food and drugs act as amended.

Analysis by this department showed that the article consisted of sauer kraut juice.

It was alleged in the libel that the article was misbranded, in that the following statements, borne on the label, regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "The Elixir of Health * * * for Health Purposes * * * for health building purposes * * * health building * * * highly beneficial * * * a superior agent for correcting Stomach and Intestinal Disorders, Kidney Troubles, Rheumatism, Lumbago, Skin Ailments, Colds, Obesity, Alcoholic Poisoning and various Contagious Diseases and for repairing their ravages upon the human system * * * excellent for Re-energizing tired, run-down bodies and for renewing Physical and Mental Efficiency * * * scientific investigators have attributed the hardihood and long life of the Balkan Peoples to the quantities of Lactic Acid they consume in Sauer Kraut and other fermented foods * * * For Lumbago, Flatulency, Obesity and kindred ills * * * the best health medicine on earth and * * * a regulator and to promote general fitness * * * for Diabetics * * * in cases of indigestion, dyspepsia and stomach derangements * * * for changing the 'Intestinal Flora,' and correcting a wide variety of stubborn ills * * * For Colds * * * tonic—As a tonic or for a general rundown condition."

On April 27, 1927, C. M. Bogle, Seattle, Wash., trading as the Sauer Ju Sales Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, conditioned in part that it be relabeled in accordance with the law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15393. Adulteration of oranges. U. S. v. 45 Boxes of Oranges. Product ordered destroyed. Default decree of condemnation and forfeiture entered. (F. & D. No. 21827. I. S. No. 15486-x. S. No. C-5436.)

On March 21, 1927, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure

and condemnation of 45 boxes of oranges, at Mobile, Ala., alleging that the article had been shipped by R. W. Burch, from Tampa, Fla., on or about March 17, 1927, and transported from the State of Florida into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "R. W. Burch, Plant City, Florida. * * * Puritan Brand."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that a substance, an inedible product, had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article consisted wholly or in part of decomposed vegetable matter.

On June 23, 1927, the product having been destroyed, pursuant to an order of the court, by the United States marshal, a decree of condemnation and forfeiture was entered.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15394. Misbranding of Malt-O-Cod. U. S. v. 3 Gross Bottles of Malt-O-Cod. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21635. S. No. C-5319.)

On February 15, 1927, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 gross bottles of Malt-O-Cod, at Lima, Ohio, alleging that the article had been shipped by Fred Stearns, from Detroit, Mich., December 24, 1926, and transported from the State of Michigan into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton and bottle) "Malt-O-Cod * * * Containing the active medicinal properties of Fresh Cod Livers * * * A Health and Strength Giving * * * Stimulant to the Process of Digestion and Nutrition Especially Valuable in the Convalescence of Wasting Disease, 'Flu,' Typhoid and other Fevers, Diphtheria. A valuable aid in the treatment of Pulmonary Diseases, Hoarseness, Bronchitis, Obstinate Cough, Nervous Dyspepsia, Simple Anemia, Impure Blood, Weakness, Prostration and Debilitated Conditions Generally;" (carton) "The Wonderful Reconstructive Tonic * * * possessing the valuable properties of fresh cod livers without any of the latter's disagreeable features * * * does not, even to the most delicate, produce stomach disturbances and other bad after effects that are such a drawback to the best action of cod liver oil in its crude state * * * is a * * * re-constructor, and also a stimulant to the process of digestion and nutrition. Under its influence new and healthy tissue is built up and the resistance of the system to disease strengthened and fortified * * * valuable in the treatment of bronchitis, nervous debility, blood disorders, simple anemia, neuralgia, rheumatism, prostration, typhoid fever and other wasting diseases."

Analysis by this department showed that the article consisted essentially of extracts of plant drugs, salicylic acid, small amounts of sodium, potassium, calcium, iron, quinine, and strychnine hypophosphites, alcohol, sugar, and water.

It was alleged in the libel that the article was misbranded in violation of section 8, paragraph third, of the act, in that it contained no ingredient or combination of ingredients capable of producing the curative or therapeutic effects described in the said labels.

On September 12, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15395. Adulteration of apple chops. U. S. v. 1,286 Sacks, et al., of Apple Chops. Consent decree of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 21533, 21616. I. S. Nos. 14440-x, 14460-x. S. Nos. C-5309, C-5315.)

On January 17, and January 29, 1927, respectively, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 1,286 sacks and 64,300 pounds of apple chops, remaining in the original unbroken packages at Blue Island, Ill., alleging that the article had been shipped by the Washington Dehydrated Food Co., in part from Yakima, Wash., November 24, 1926, and in part from

Wenatchee, Wash., December 25, 1926, and had been transported from the State of Washington into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration was alleged in the libel with respect to the said 1,286 sacks of the product for the reason that it contained an added poisonous ingredient, to wit, a compound of arsenic and lead, which might have rendered the article injurious to health. Adulteration was alleged with respect to the said 64,300 pounds of the product for the reason that it contained an added poisonous ingredient, to wit, a compound of arsenic trioxide and lead oxide, which might have rendered the article injurious to health.

On September 28, 1927, the two cases having been consolidated into one cause of action, and the Foster Packing Co., a subsidiary of Libby, McNeill & Libby, Chicago, Ill., having appeared as claimant and having admitted the allegations of the libels and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned under the supervision of this department, so as to reduce the added poisonous ingredient in the article in such manner that it would not be injurious to health.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15396. Adulteration of frozen eggs. U. S. v. 274 Cans of Frozen Eggs. Consent decree of condemnation entered. Product released under bond. (F. & D. No. 22024. I. S. No. 14342-x. S. No. 61.)

On August 16, 1927, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 274 cans of frozen eggs, remaining in the original unbroken packages at Louisville, Ky., alleging that the article had been shipped by Swift & Co., from Nashville, Tenn., June 21, 1927, and transported from the State of Tennessee into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On August 22, 1927, Swift & Co., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$2,000, conditioned in part that the eggs be sorted under the supervision of this department, the decomposed portion destroyed, and the unadulterated portion released unconditionally. It was further ordered by the court that the claimant pay the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15397. Adulteration of tomato catsup. U. S. v. 300 Cases and 340 Cases of Tomato Catsup. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 20590, 20591. I. S. Nos. 1337-x, 1338-x. S. No. C-4854.)

On November 10, 1925, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 640 cases of tomato catsup, remaining in the original unbroken packages at Detroit, Mich. Subsequently an amended libel was filed with reference to 340 cases of the product. It was alleged in the libels that the article had been shipped in interstate commerce by the DeSchipper Canning Co., from Carthage, Ind., into the State of Michigan, on September 28, 1925, and that it was adulterated in violation of the food and drugs act. The article was labeled in part: "DeSchipper's Tomato Catsup * * * Packed by DeSchipper Canning Co., Carthage, Ind."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 16, 1926, the claimant, the DeSchipper Canning Co., having failed to appear, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15398. Adulteration of dried figs. U. S. v. 22 Boxes of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21929. I. S. No. 10725-x. S. No. W-2149.)

On May 20, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 22 boxes of dried figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Garcia & Maggini Co., from San Francisco, Calif., arriving at Seattle on or about April 21, 1927, and had been transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Bon Ton Fancy California White Figs Packed by Garcia & Maggini Co. San Francisco, California."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 18, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15399. Misbranding of flour. U. S. v. 1,800 Sacks and 575 Sacks of Flour. Decree of condemnation and forfeiture entered. Product released upon deposit of collateral. (F. & D. No. 22027. I. S. Nos. 16486-x, 16487-x. S. No. 66.)

On August 22, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2,375 sacks of flour, remaining in the original unbroken packages at Boston, Mass., consigned in part about July 13, 1927, and in part about July 20, 1927, alleging that the article had been shipped by the Hunter Milling Co., Wellington, Kans., and transported from the State of Kansas into the State of Massachusetts and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "24½ Lbs. Net Bleached."

It was alleged in the libel that the article was misbranded, in that the statement on the label, to wit, "24½ Lbs. Net," was false and misleading and deceived and misled the purchaser, since the package contained less than 24½ pounds of the said article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 12, 1927, the Hunter Milling Co., Wellington, Kans., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of \$4,000, in lieu of bond, conditioned in part that the sacks be refilled so as to contain at least 24½ pounds net.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

15400. Adulteration of butter. U. S. v. 68 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21190. I. S. No. 5547-x. S. No. E-5782.)

On July 1, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 68 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about June 17, 1926, alleging that the article had been shipped by Baxter & Draper from Lancaster, Wis., and transported from the State of Wisconsin into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it was deficient in butterfat.

On July 14, 1926, Baxter & Draper, Lancaster, Wis., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, conditioned in part that it be reconditioned under the supervision of this department so that it contain at least 80 per cent of butterfat, and be relabeled so that the true contents appear on the container thereof.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

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United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15401-15450

[Approved by the Secretary of Agriculture, Washington, D. C., May 22, 1928]

15401. Adulteration of shell eggs. U. S. v. 408 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20424. I. S. No. 1406-x. S. No. C-4814.)

On August 26, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 408 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Sidney Ice Storage Co., from Sidney, Nebr., August 19, 1925, and transported from the State of Nebraska into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid substance.

On August 27, 1925, Peter Fox Sons, Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that the eggs be candled under the supervision of this department, the good eggs released and the remainder destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

15402. Adulteration of butter. U. S. v. 28 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20257. I. S. No. 22340-v. S. No. C-4771.)

On July 2, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 tubs of butter, consigned by the Kiefer Produce Co., Wausau, Wis., and remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped on June 25, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated, in that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article; for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom; and for the further reason that the said article contained less than 80 per cent of butterfat.

On July 21, 1925, the Beatrice Creamery Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it be reprocessed so as to contain not less than 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

- 15403. Adulteration and misbranding of jellies. U. S. v. 5 Cases of Raspberry Jelly, et al. Decree of adulteration and misbranding entered. Products released under bond.** (F. & D. No. 21709. I. S. Nos. 2651-x, 2652-x, 2653-x, 2774-x. S. No. C-5339.)

On March 8, 1927, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 31 cases of assorted jellies, at Chickasha, Okla., alleging that the articles had been shipped by the Best-Clymer Co., from Carondelet, Mo., on or about July 23, 1926, and transported from the State of Missouri into the State of Oklahoma, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Tumblers) "Temtor Brand Pure Raspberry (or "Grape" or "Apple" or "Currant") Jelly * * * The Best-Clymer Company, St. Louis, Mo."

It was alleged in the libel that the articles were adulterated in violation of section 7, paragraphs 1 and 2, under food, of the said act, in that a substance, a product containing added pectin and added tartaric acid, had been added to the said articles.

Misbranding was alleged for the reason that the tumblers containing the articles bore the statements: "Temtor Brand Pure Raspberry (or "Grape" or "Apple" or "Currant," as the case might be) Jelly," which said statements were false and misleading and deceived and misled the purchaser.

On September 28, 1927, the products having been released to the claimant, the Best-Clymer Co., St. Louis, Mo., upon the execution of a bond conditioned that the jellies be relabeled under the supervision of this department, and the said jellies having been relabeled in accordance with the terms of the bond, and the costs having been paid by the claimant, a decree was entered adjudging the said products adulterated and misbranded and ordering exoneration of the said bond.

W. M. JARDINE, *Secretary of Agriculture.*

- 15404. Adulteration of canned blackberries. U. S. v. 1,000 Cases of Canned Blackberries. Product ordered released under bond to be salvaged.** (F. & D. No. 20708. I. S. No. 4469-x. S. No. C-3027.)

On December 11, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,000 cases of canned blackberries, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Grays Harbor Canning Co., Montesano, Wash., on or about September 28, 1925, and transported from the State of Washington into the State of Missouri, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "Blackberries Grays Harbor Brand Grays Harbor Canning Company, Montesano, Wash.," (can) "Montesano Packing Co. * * * Distributed by Montesano Packing Co., Montesano, Wash., Montesano Brand Evergreen Blackberries Solid Pack."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 20, 1926, the Grays Harbor Canning Co., Montesano, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment was entered ordering that the product be released to the said claimant upon the filing of a good and sufficient bond. It was further ordered by the court that the product be examined by a representative of this department, the unadulterated portion released, and the adulterated portion destroyed, and that the costs of the proceedings be paid by claimant.

W. M. JARDINE, *Secretary of Agriculture.*

- 15405. Adulteration and alleged misbranding of butter. U. S. v. 6 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 22049. I. S. No. 17140-x. S. No. 82.)

On August 22, 1927, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel praying seizure and condemnation of 6 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Lovelock Creamery Co., Lovelock, Nev., alleging that the article had been shipped from Lovelock, Nev., on or about August 16, 1927, and transported from the State of Nevada into the State

of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Print wrapper) "Lovelock Farmers Creamery Co., Clover Blossom made in Lovelock, Nevada, Two Lbs. Net, Purity Guaranteed."

It was alleged in the libel that the article was adulterated under section 7, paragraph 2 under food, of said act, in that it was deficient in milk fat.

Misbranding was alleged for the reason that the statement "Two Lbs. Net," borne on the label, was false and misleading and deceived and misled the purchaser, since the packages contained lesser quantities. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On August 31, 1927, the J. R. Kinsman Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of the court was entered finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the filing of a cash bond in the sum of \$150, conditioned in part that it be made to conform to and with the provisions of the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15406. Misbranding of Smith's Buchu Lithia pills. U. S. v. 24 Boxes of Smith's Buchu Lithia Pills. Default decree of forfeiture and destruction entered. (F. & D. No. 17943. S. No. E-4523.)

On November 16, 1923, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 boxes of Smith's Buchu Lithia pills, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by C. F. Smith, from Boston, Mass., on or about July 10, 1923, and transported from the State of Massachusetts into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis by this department showed that the pills contained sodium, potassium, lithium, and magnesium compounds including nitrates and citrates, extracts of plant drugs including uva ursi and podophyllum, powdered licorice, and soap, and were coated with iron oxide.

It was alleged in the libel that the article was misbranded, in that the following statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Box and circular) "For Rheumatism and all diseases of the kidneys, blood and urinary organs, Bright's Disease, Congestion of the Kidneys, Bladder troubles, Dropsical Swellings, Cystitis, Nephritis, Diabetes, Nervous Debility, Malaria, Gout, Neuralgia, Sciatica, etc. Gravel, Stone in the bladder, Pain in the back, Lumbago, etc. Sleeplessness, Nervousness, Female Complaints and irregularities, and all Blood Impurities due to Defective Action of the Kidneys * * * Uric Acid Solvent;" (circular) "A specific for Rheumatism and all diseases of the Kidneys and Bladder * * * by removing the cause, * * * will cure finally any curable case. * * * pale sallow complexion, headache, dyspepsia * * * and a long train of diseases * * * They cure rheumatism, because they cure the kidneys * * * (Testimonials) * * * permanently cured of obstinate kidney trouble and backache * * * completely cured of kidney trouble, backache and urinary trouble * * * sure cure for kidney trouble * * * the best remedy for weak kidneys * * * recommend them to any one with suppression or stoppage of urine * * * For Backache, Inflammation of the Kidneys * * * Bladder * * * Dropsy, Whites or Leucorrhoea, * * * Loss of Sleep, Lost Vitality, Painful Menstruation * * * Catarrh of the Bladder, Incontinence of Urine or inability to hold water * * * In all old or chronic cases * * * to remove the uric acid * * * strengthen the kidneys and bladder and purify the blood * * * Permanent cures will certainly be the result * * * if your case is chronic continue their use * * * they will cure any case."

On October 6, 1926, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15407. Adulteration of oranges. U. S. v. 372 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21731. I. S. Nos. 5909-x, 5910-x. S. No. E-5965.)

On February 24, 1927, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 372 boxes of oranges, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Weirsdale Packing Co., from Weirsdale, Fla., on or about February 12, 1927, and transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Paper label) "Sungold Brand A. F. G. Weirsdale Packing Co. Weirsdale, Florida," (on box) "American Fruit Growers A. F. G. Inc." The remainder of the said article was labeled in part: (Paper label) "Blue Goose A. F. G. Marketed by American Fruit Growers, Inc. Orlando, Fla. Packed by Weirsdale Packing Co., Weirsdale, Fla."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.

On February 25, 1927, the American Fruit Growers, Inc., Orlando, Fla., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it be salvaged under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15408. Adulteration and misbranding of cherry sirup and blended cherry sirup. U. S. v. 16 Cases and 12½ Cartons of Cherry Flavor and Blended Cherry Flavor. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21336. I. S. Nos. 5592-x, 5594-x. S. No. E-5875.)

On October 19, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 cases of cherry sirup and 12½ cartons of blended cherry sirup, remaining in the original unbroken packages at Boston, Mass., consigned in part about July 22, 1926, and in part about July 31, 1926, alleging that the article had been shipped by the Hudson Valley Pure Food Co., Highland, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance, an imitation cherry sirup, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article, and in that the article had been mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statements "Cherry Flavor," and "Blended Cherry Flavor," borne on the labels, were false and misleading and deceived and misled the purchaser, and in that the article was an imitation of another article, and was offered for sale under the distinctive name of another article.

On September 12, 1927, the United Drug Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15409. Adulteration of figs. U. S. v. 60 Boxes, et al., of Figs. Tried to the court and a jury. Directed verdict for the Government. Judgments of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 21865, 21866, 21885, 21888. I. S. Nos. 13865-x, 14978-x, 14979-x, 14980-x, 16154-x, 16155-x. S. Nos. E-6101, E-6109, E-6122.)

On April 28, 29, and 30, 1927, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of

Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 7,389 sacks and 162 boxes of figs, remaining in the original unbroken packages at New York, N. Y., consigned by the Garcia & Maggini Co., San Francisco, Calif., alleging that the article had been shipped from San Francisco, Calif., in various lots, on or about March 24, March 29, and April 7, 1927, respectively, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled: (Boxes) "Paradise Brand Extra Choice California White Figs (or "Bon Ton Brand Extra Fancy California Black Figs") Packed by Garcia & Maggini Co., San Francisco, California."

Adulteration of the article was alleged in the libel with respect to a portion of the product, for the reason that it consisted in part of a filthy, decomposed, or putrid vegetable substance. Adulteration was alleged with respect to the remainder of the said product for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy, moldy, sour, bird-pecked figs.

On July 14 and September 9, 1927, respectively, Wm. A. Higgins & Co., Inc., and R. C. Williams & Co., Inc., New York, N. Y., having appeared as claimants for respective portions of the property, the cases came on for trial before the court and a jury. A directed verdict for the Government was returned in each case. On August 27, August 31, and September 23, 1927, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds totaling \$17,250, conditioned in part that it be labeled "Not for Human Consumption," and should not be used for human consumption or for purposes other than distillation of alcohol, manufacture of tobacco, and hog feed.

W. M. JARDINE, *Secretary of Agriculture.*

15410. Adulteration and misbranding of butter. U. S. v. 110 Cases of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21442. I. S. No. 7571-x. S. No. E-5831.)

On or about November 10, 1926, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 110 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Valdosta Creamery Co., from Valdosta, Ga., November 1, 1926, and transported from the State of Georgia into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Sweet Clover Creamery Butter, One Pound."

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the label, was false and misleading in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist, but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement "Butter" borne on the label, was false and misleading in that the said statement represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, whereas it did not contain 80 per cent by weight of milk fat, but did contain a less amount.

On November 12, 1926, Larsen-Fenn, Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released, to the said claimant upon the filing of a bond in the sum of \$1,000, conditioned in part that it be reworked so that it contain the amount of butterfat and moisture prescribed by law.

W. M. JARDINE, *Secretary of Agriculture.*

15411. Misbranding of butter. U. S. v. 30 Cases of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 21734. I. S. No. 13549-x. S. No. E-5832.)

On or about February 4, 1927, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 cases of butter, remaining in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the Valdosta Creamery, from Valdosta, Ga., February 1, 1927, and transported from the State of Georgia into the State of Florida, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Sweet Clover Creamery Butter, One Pound."

It was alleged in the libel that the article was misbranded in violation of section 8, paragraphs 3 and 4, of the said act, in that the net weight statement "One Pound" was incorrect. Misbranding was alleged for the further reason that the statement "One Pound" was false and misleading, since the product had a net weight of less than 1 pound.

On February 8, 1927, the Larsen-Fenn Co., Inc., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$500, conditioned that it be reworked so that each package contain 16 ounces net of butter.

W. M. JARDINE, *Secretary of Agriculture.*

15412. Adulteration of dried peaches, dried apples, black-eyed peas, candy, chocolates, and peanut butter. U. S. v. 47 Boxes of Dried Peaches, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22043. I. S. Nos. 19274-x, 19332-x, 19333-x, 19334-x, 19335-x, 19338-x, 19339-x. S. No. 89.)

On September 3, 1927, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 47 boxes of dried peaches, 4 boxes of dried apples, 54 sacks of black-eyed peas, 2 pails of bulk candy, 9 boxes of chocolates, 5 cases of candy, and 13 cases of peanut butter, remaining unsold in the original packages at St. Louis, Mo., having been shipped on instructions of the Red Line Products Co., Memphis, Tenn., alleging that the articles had been shipped in interstate commerce into the State of Missouri, and charging adulteration in violation of the food and drugs act. It was alleged in the libel that the articles were shipped as follows: 47 boxes of dried peaches, 4 boxes of dried apples and 54 sacks of black-eyed peas, by the Livingston Grain & Grocery Co., from Livingston, Texas, on or about July 11, 1927; 2 pails of bulk candy and 9 boxes of chocolates by the Frank Weiss Co., from New Orleans, La., on or about July 16, 1927; 5 cases of candy by the Okmulgee Wholesale Grocery Co., from Okmulgee, Okla., on or about July 18, 1927; and 13 cases of peanut butter, by the Seaman-East Grocery Co., from Greenville, Texas, on or about July 8, 1927.

Adulteration of the articles was alleged in the libel for the reason that all of the said goods were badly infested with worms and weevils and covered with excreta, all of said dried fruits were sour, all of said candy was dirty, said chocolates were moldy, and said products were filthy, decomposed, and putrid.

On October 12, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15413. Adulteration and misbranding of frozen whole eggs. U. S. v. 135 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22374. I. S. No. 21217-x. S. No. 437.)

On January 17, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 135 cans of frozen whole eggs, remaining in the original unbroken packages at New York, N. Y., consigned by the Malvern Cold Storage Co., Malvern, Iowa, alleging that the article had been shipped from Malvern, Iowa, on or about November 8, 1927, and transported from the State of Iowa

into the State of New York, charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Nishna Frozen Eggs Mixed * * * Malvern Cold Storage Company, Malvern, Ia."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 28, 1928, W. W. Elzea, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond, or the deposit of cash, in the sum of \$1,800, conditioned in part that the said product be salvaged by separating the good eggs from the bad and destroying or denaturing the latter.

W. M. JARDINE, *Secretary of Agriculture.*

15414. Adulteration of shelled almonds. U. S. v. 16 Bags of Shelled Almonds. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22279. I. S. No. 21667-x. S. No. 326.)

On December 12, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 bags of shelled almonds, imported on Dec. 27, 1926, remaining in the original unbroken packages at New York, N. Y., consigned by Raphael H. Elmaleh, Mogador, Morocco, alleging that the article had been shipped from Mogador, Morocco, into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 28, 1928, Henry Heide, Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, conditioned in part that it be re-sorted to separate the good nuts from the bad, and that the bad portion be destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

15415. Misbranding of catsup. U. S. v. 699 Cases of Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22317. I. S. No. 21100-x. S. No. 360.)

On December 22, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 699 cases of catsup, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Greenbaum Bros., from Seaford, Del., on or about November 28, 1927, and transported from the State of Delaware into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "The Famous Royal Scarlet Brand Tomato Catsup. Made from selected red ripe tomatoes, spices, vinegar, sugar, salt, onions and garlic," (neck of bottle) "Royal Scarlet Catsup * * * Natural Color No Preservative."

Examination of the article by this department showed that it contained artificial color.

Misbranding of the article was alleged in the libel for the reason that the statements. (neck label) "Royal Scarlet Catsup Natural Color," and (bottle label) "Tomato Catsup made from selected red ripe tomatoes, spices, vinegar, sugar, salt, onions and garlic," borne on the label, were false and misleading and deceived and misled the purchaser.

On January 28, 1928, Greenbaum Bros., Inc., Seaford, Del., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was

ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,300, conditioned in part that it be reshipped to the claimant at Seaford, Del., to be relabeled or repacked to comply with the law.

W. M. JARDINE, *Secretary of Agriculture.*

15416. Adulteration and misbranding of Grape Wang and Cherry Wang.
U. S. v. 25 Bottles Caro Grape Wang, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17738. I. S. Nos. 1158-v, 1160-v. S. No. E-4474.)

On August 23, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel praying seizure and condemnation of 25 bottles of Caro Grape Wang and 58 bottles of Caro Cherry Wang, at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia, charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottles) "Caro Grape (or "Cherry") Wang * * * Caro Flavoring Co. * * * Washington, D. C."

It was alleged in the libel that the article was adulterated, in that a substance, to wit, imitation flavor, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in whole or in part for the said article; and in that the said article had been mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statements, to wit, "Grape" and "Cherry," borne on the labels, were false and misleading in that the said statements represented that the article was a grape product or a cherry product, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a grape product or a cherry product, whereas it was not, but was a product prepared in imitation of a grape or cherry product. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages in terms of weight, measure, or numerical count.

In September, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15417. Misbranding of linseed meal. U. S. v. 45 Bags of Linseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22365. I. S. No. 20091-x. S. No. 412.)

On January 7, 1928, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 bags of linseed meal, remaining in the original unbroken packages at Chalfont, Pa., consigned by the Mann Bros. Co., Buffalo, N. Y., alleging that the article had been shipped from Buffalo, N. Y., on or about October 28, 1927, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "The Mann Bros. Company, Buffalo, N. Y., * * * 34% Protein Pure Old Process Linseed Meal Guaranteed Analysis Minimum Protein 34%."

It was alleged in the libel that the article was misbranded in that the statement "34% Protein Pure Old Process Linseed Meal Guaranteed Analysis Minimum Protein 34%," borne on the label, was false and misleading and deceived and misled the purchaser, in that an analysis of a sample of the product showed it to be deficient in protein.

On January 30, 1928, the Mann Bros. Co., Buffalo, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15418. Misbranding of feed. U. S. v. 300 Sacks of Feed. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22333. I. S. No. 8544-x. S. No. 387.)

On December 28, 1927, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 sacks of feed, remaining unsold at Middlesboro, Ky., alleging that the article had been shipped from the Hood Feed Co., Chattanooga, Tenn., on or about November 23, 1927, and transported from the State of Tennessee into the State of Kentucky, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Hood Special Fine Feed, Made by Hood Feed Co., Chattanooga, Tenn., Guaranteed Analysis Protein 15 per cent."

It was alleged in the libel that the article was misbranded, in that the statement "Protein 15 Per cent" was false and misleading and deceived and misled the purchaser.

On January 9, 1928, Charles F. Hood, Chattanooga, Tenn., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold or otherwise disposed of until relabeled in compliance with the law.

W. M. JARDINE, *Secretary of Agriculture.*

15419. Adulteration of fig bars. U. S. v. 24 Boxes of Fig Bars. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22302. I. S. No. 9913-x. S. No. 342.)

On December 16, 1927, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 24 boxes of fig bars, at Helena, Mont., alleging that the article had been shipped by the Old Mission Fig Bar Co., from Oakland, Calif., on or about October 18, 1927, and transported from the State of California into the State of Montana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Old Mission Fig Bars."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid substance.

On January 11, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15420. Adulteration and misbranding of cottonseed meal. U. S. v. 1,200 Sacks of Cotton Seed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22319. I. S. Nos. 15848-x, 15849-x. S. No. 366.)

On December 23, 1927, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,200 sacks of cottonseed meal, at Eaton, N. Y., alleging that the article had been shipped by the Lagrange Cotton Oil Co., Lagrange, Ga., in two consignments, on or about December 9 and December 10, 1927, respectively, and transported from the State of Georgia into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Paramount Brand Good Cotton Seed Meal, Ashcraft-Wilkinson Co., Atlanta, Ga., Guaranteed Analysis Protein Minimum 36 per cent."

It was alleged in substance in the libel that the article was adulterated, in that a substance deficient in protein had been mixed and packed with the said article so as to reduce, lower, or injuriously affect its quality and strength, and in that a substitute had been packed, wholly, or in part, for the alleged cottonseed meal.

Misbranding was alleged for the reason that the statements "Cotton Seed Meal," and "Protein Minimum 36 per cent," borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On January 6, 1928, the Ashcraft-Wilkinson Co., Atlanta, Ga., having appeared as claimant for the property and having consented to the entry of a decree,

judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, conditioned in part that it not be shipped or sold unless relabeled as follows: "One Hundred Pounds Net Cotton Seed Feed Guaranteed Analysis Protein Thirty-Two Percent."

W. M. JARDINE, *Secretary of Agriculture.*

15421. Adulteration of dried white figs. U. S. v. 33 Boxes of Dried White Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22065. I. S. No. 13185-x. S. No. 105.)

On September 29, 1927, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 33 boxes of dried white figs, remaining in the original packages at Albuquerque, N. Mex., alleging that the article had been shipped by Rosenberg Bros. & Co., from Fresno, Calif., during the month of October, 1926, and had been transported from the State of California into the State of New Mexico, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Arabian Brand Choice California White Figs."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 21, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15422. Adulteration of fig paste, pressed figs, and shredded figs. U. S. v. 300 Cases of Fig Paste, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 22193, 22197, 22207. I. S. Nos. 17511-x, 17663-x, 20976-x. S. Nos. 216, 252, 254.)

On November 21, and December 12, 1927, respectively, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 300 cases of fig paste, 100 cases of pressed figs and 50 boxes of shredded figs, remaining in the original unbroken packages at Boston, Mass., consigned between the dates of September 8, 1927, and November 5, 1927, alleging that the articles had been shipped by the Sunland Sales Cooperative Assoc., in part from Fresno, Calif., and in part from San Francisco, Calif., and had been transported from the State of California into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The articles were labeled in part variously: "White Ribbon Figs * * * California Peach & Fig Growers Association * * * Fresno, California," and "White Ribbon Brand Adriatic Fig Paste (or "White Ribbon Brand Shredded Figs") * * * Produced and Packed by California Peach & Fig Growers, Fresno, California."

It was alleged in the libels that the articles were adulterated, in that they consisted in whole or in part of filthy, decomposed, or putrid vegetable substances.

On January 12, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15423. Adulteration and misbranding of Acid-O-Phil tablets. U. S. v. 16 Gross Packages of Acid-O-Phil Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22021. I. S. Nos. 15723-x, 15725-x. S. No. 60.)

On August 17, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on October 14, 1927, an amended libel, praying seizure and condemnation of 16 gross packages of Acid-O-Phil tablets, at Chicago, Ill., alleging that the article had been shipped by the H. K. Mulford Co., from Philadelphia, Pa., in part on or about July 2, 1927, and in part on or about July 5, 1927, and transported from the State of Pennsylvania

into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in the libel that the article was adulterated, in that it fell below the professed standard of strength and quality under which it was sold, in that said tablets were devoid of *Bacillus acidophilus*.

Misbranding was alleged for the reason that the following statements, regarding the curative or therapeutic effects of the article, appearing in the labeling: "B. acidophilus tablets. On the normal adult meat or protein diet large numbers of just common decay or putrefactive germs may become active in the intestines. These germs are responsible for waste food material being turned into a foul, putrefied, poisoning substance. This, upon being absorbed into the body, poisons the blood stream and every cell, muscle and organ is more or less affected. This condition affects a large percentage of civilized mankind and many maladies are directly traceable to the poisons generated by the insidious action of these common germs of decay and putrefaction which act on the food material in the intestines. The Moyer's Acid-o-phil treatment for such conditions is based essentially on the oral administration of living cultures of B. acidophilus in tablet form, together with some easily fermentable carbohydrate with the object of restraining the activity of decay and putrefactive organisms in the intestine," were false and fraudulent, in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to purchasers thereof that the article was in whole or in part composed of ingredients or medicinal agents or combinations effective as a remedy for the diseases, ailments, and afflictions mentioned upon the said labeling. Misbranding was alleged for the further reason that the statements, to wit, "B. acidophilus tablets * * * The Moyer's Acid-o-phil treatment * * * is based essentially on the oral administration of living cultures of B. acidophilus in tablet form * * * The Moyer's Acid-o-phil product is a viable culture of high bacterial content, containing authentic strains of the beneficial organisms, viz., B. acidophilus (Moro)," borne on the labels, were false and misleading, in that "B. acidophilus tablets," "B. acidophilus in tablet form," and "viz., B. acidophilus," were applied to a drug product which was devoid of *Bacillus acidophilus*.

On November 16, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15424. Adulteration and misbranding of cottonseed meal. U. S. v. Rose City Cotton Oil Mill. Plea of guilty. Fine, \$50. (F. & D. No. 19594. I. S. No. 2425-v.)

On February 28, 1925, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against the Rose City Cotton Oil Mill, a corporation, Little Rock, Ark., alleging shipment by said company, in violation of the food and drugs act, on or about May 22, 1924, from the State of Arkansas into the State of Indiana, of a quantity of cottonseed meal, which was adulterated and misbranded. The article was labeled in part: "Guaranteed Analysis Protein 43%."

Examination of a sample of the article by this department showed that it contained 40.31 per cent of protein.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein, in that it contained less than 43 per cent of protein, had been substituted for cottonseed meal guaranteed to contain 43 per cent of protein, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Guaranteed Analysis Protein 43%," borne on the tags attached to the sacks containing the article, was false and misleading in that the said statement represented that the article contained 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 43 per cent of protein, whereas it did not contain 43 per cent of protein, but did contain a less amount.

On November 1, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

W. M. JARDINE, *Secretary of Agriculture.*

15425. Misbranding of meat and bone scrap. U. S. v. 30 Sacks of Protein Poultry Meat. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21203. I. S. No. 6337-x. S. No. E-5821.)

On August 5, 1926, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 sacks of protein poultry meat and bone scrap, remaining unsold at Wyoming, Del., alleging that the article had been shipped by the Berg Co., Inc., from Philadelphia, Pa., on or about July 2, 1926, and transported from the State of Pennsylvania into the State of Delaware, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Berg's 50% Protein Poultry Meat and Bone Scrap."

It was alleged in the libel that the article was misbranded, in that the bags containing the said article bore the statement, "50% Protein," which was false and misleading and deceived and misled the purchaser.

On November 8, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15426. Misbranding of butter. U. S. v. 40 Cases, et al., of Butter. Product ordered released under bond. (F. & D. No. 21868. I. S. Nos. 15498-x, 15499-x. S. No. C-5452.)

On March 31, 1927, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 84 cases of butter, at Mobile, Ala., alleging that the article had been shipped by the Sunlight Produce Co., from Neosho, Mo., March 21, 1927, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Carton) "Sunlight Creamery Butter, One Pound Net." The remainder of the said article was labeled in part: (Carton) "One Pound Net, Monogram Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net," borne on the labels, was false and misleading and deceived and misled the purchaser, in that the net weight of the butter contained in each of the cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the net contents of the package was not plainly and conspicuously marked on the outside of the carton, since the quantity marked was not correct.

On April 4, 1927, the Cudahy Packing Co., Inc. of Alabama, having appeared as claimant for the property, and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned, repacked, and relabeled under the supervision of this department, and it was further ordered by the court that upon the reconditioning of the product and the approval of this department the cause be dismissed at the cost of the claimant.

W. M. JARDINE, *Secretary of Agriculture.*

15427. Adulteration of shell eggs. U. S. v. Ed Morris. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 19730. I. S. No. 23898-v.)

On July 24, 1926, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ed Morris, Kay County, near Marland, Okla., alleging shipment by said defendant, in violation of the food and drugs act, on or about June 25, 1925, from the State Oklahoma into the State of Kansas, of a quantity of shell eggs, which were adulterated. The article was labeled in part: "From Ed Morris, * * * Marland, Okla."

Examination by this department of 1 case of 360 eggs from the shipment showed 291, or 80.8 per cent, inedible eggs.

It was alleged in the information that the article was adulterated, in that it consisted in part of a filthy and decomposed and putrid animal substance.

On October 6, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

15428. Misbranding and alleged adulteration of butter. U. S. v. 36 Boxes Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22016. I. S. No. 10931-x. S. No. 45.)

On or about July 26, 1927, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 36 boxes of butter, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from the Tremonton Dairy Produce Co., Tremonton, Utah, in part on or about July 9, 1927, and in part on or about July 12, 1927, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended.

It was alleged in substance in the libel that the article was adulterated, in that a product deficient in milk fat, said product containing less than 80 per cent of milk fat, had been substituted wholly or in part for butter. Adulteration was alleged for the further reason that a valuable constituent, namely, milk fat, had been partially abstracted from the article.

Misbranding was alleged for the reason that the statement "Butter," borne on the label, was false and misleading and deceived and misled the purchaser, since the article contained less than 80 per cent of milk fat. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 6, 1927, the Tremonton Dairy Produce Co., Tremonton, Utah, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, conditioned in part that it be reconditioned and relabeled in a manner satisfactory to this department.

W. M. JARDINE, *Secretary of Agriculture.*

15429. Misbranding of Zendejas medicine. U. S. v. 53 Bottles of Zendejas Medicine. Default decree of forfeiture and destruction entered. (F. & D. No. 21639. I. S. No. 11253-x. S. No. C-5321.)

On March 2, 1927, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 53 bottles of Zendejas medicine, remaining in the original unbroken packages at Houston, Tex., alleging that the article had been shipped by P. Zendejas, from Los Angeles, Calif., on or about December 26, 1926, and transported from the State of California into the State of Texas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton and bottle) "Blood Purifier * * * For all blood disorders impaired circulation, rheumatism, skin troubles," (circular) "If the disease does not yield to the treatment, the dose may be gradually increased up to the maximum of tolerance of your organism * * * Persons desiring only to tonify their system, should take smaller doses than indicated here," (Spanish, translated) "In the beginning of the treatment some persons may find that their symptoms apparently increase, this is the result of the medicine in removing the disease and therefore one should not be alarmed."

Analysis by this department showed that the article contained extracts of plant drugs, including a laxative drug, hexamethyleneamine, potassium iodide, and water.

It was alleged in the libel that the article was misbranded, in that the labels on the bottles, cartons, and circular bore statements regarding the curative and therapeutic effects of the said article which were false and fraudulent.

On November 17, 1927, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15430. Adulteration of butter. U. S. v. 3 Tubs and 5 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22030. I. S. No. 13327-x, 16309-x. S. No. 50.)

On or about August 3, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying seizure and condemnation of 8 tubs of butter, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the H. C. Christians Co., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance low in milk fat had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

On August 9, 1927, the H. C. Christians Co., Chicago, Ill., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it not be sold or disposed of until reworked so as to conform with the law.

W. M. JARDINE, *Secretary of Agriculture.*

15431. Adulteration and misbranding of rice bran. U. S. v. Leona Rice Mill. Plea of guilty. Fine, \$150. (F. & D. No. 22521. I. S. Nos. 7441-x, 7442-x, 7444-x, 7458-x, 9206-x, 9207-x.)

On October 4, 1927, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Leona Rice Mill, a corporation, New Orleans, La., alleging shipment by said company, in violation of the food and drugs act, as amended, in various consignments between the dates of January 16, 1926, and April 28, 1926, from the State of Louisiana into the State of Georgia, of quantities of rice bran, which was adulterated and misbranded. The article was labeled in part: (Tag) "100 Pounds Net Leona Rice Mill New Orleans, La. Rice Bran Guaranteed Analysis Protein 11.00 Per Cent, Fat 13.00 Per Cent, Fibre 9.97 Per Cent."

It was alleged in the information that the article was adulterated, in that a product deficient in protein and fat, and which contained added rice hulls and excessive fiber, had been substituted for rice bran, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Rice Bran Guaranteed Analysis Protein 11.00 Per Cent, Fat 13.00 Per Cent, Fibre 9.97 Per Cent," borne on the tags attached to the sacks containing the article, were false and misleading in that the said statements represented that the article was composed wholly of rice bran, and contained not less than 11 per cent of protein, not less than 13 per cent of fat, and not more than 9.97 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was composed wholly of rice bran, and contained not less than 11 per cent of protein, not less than 13 per cent of fat, and not more than 9.97 per cent of fiber; whereas the said article did not consist wholly of rice bran, but did consist in part of added rice hulls, and contained less than 11 per cent of protein, less than 13 per cent of fat, and more than 9.97 per cent of fiber. Misbranding was alleged with respect to a portion of the product for the further reason that the statement "100 Pounds Net," borne on the tags, attached to the sacks containing the said portion, was false and misleading in that the said statement represented that each of the sacks contained 100 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds net of the article, whereas they did not contain 100 pounds net of the article but did contain a less amount. Misbranding was alleged with respect to the said portion of the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 31, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

W. M. JARDINE, *Secretary of Agriculture.*

15432. Adulteration of cheese. U. S. v. 20 Boxes of Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22053. I. S. Nos. 14279-x, 14280-x. S. No. 91.)

On September 10, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 20 boxes of cheese, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the E. H. Fisher Co., from Random Lake, Wis., August 23, 1927, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance, excessive moisture, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for the said article.

On November 12, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15433. Adulteration and misbranding of olive oil. U. S. v. Albert Pace (Pace & Sons). Plea of guilty. Fine, \$7 and costs. (F. & D. No. 19755. I. S. Nos. 6085-x, 6086-x.)

On June 7, 1926, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert Pace, trading as Pace & Sons, Providence, R. I., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about August 7, 1925, from the State of Rhode Island into the State of Pennsylvania, of quantities of olive oil which was adulterated and misbranded. The article was labeled in part: (Cans) "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Contents One Half Gallon (or "Contents One Full Gallon") Products of Italy * * * This oil is our own production and is guaranteed to be pure under any chemical analysis. It is used for cooking and medicinal use."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength, and had been substituted in large part for pure olive oil, which the said article purported to be. Adulteration was alleged for the further reason that the article was sold under and by a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia official at the time of investigation, in that it was a mixture composed in large part of oil obtained from cottonseed, whereas said pharmacopoeia provides that olive oil shall be obtained from the ripe fruit of *Olea europaea*, L. and the standard of strength, quality, and purity of the article was not declared on the container thereof.

Misbranding was alleged for the reason that the statements, to wit, "Pure Italian Olive Oil," "Ortona a Mare (Italy)," "Products of Italy," "This oil is our own production and is guaranteed to be pure under any chemical analysis," borne on the cans containing the article, together with the statement "Contents One Full Gallon," borne on the cans containing a portion of the said article, were false and misleading in that the said statements represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Italy, and that the cans containing the said portion contained 1 full gallon thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, and that each of the cans containing the said portion contained 1 full gallon thereof, whereas it was not pure olive oil, but was a product composed in large part of cottonseed oil, it was not a foreign product, but was a domestic product, to wit, an article composed in large part of cottonseed oil produced in the United States of America, and each of the cans containing the said portion contained less than 1 full gallon of the article. Misbranding was alleged for the further reason that the article was composed in large part of cottonseed oil prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit,

olive oil; for the further reason that it was falsely branded as to the country in which it was manufactured in that it was branded as an olive oil manufactured and produced at Ortona a Mare, Italy, whereas it was an article manufactured and produced in the United States of America; and for the further reason that the statements, to wit, "Italian Olive Oil," "Ortona a Mare (Italy)," and "Products of Italy," borne on the can labels, purported the article to be a foreign product when not so. Misbranding was alleged with respect to a portion of the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 7, 1927, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$7 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

15434. Adulteration and misbranding of imitation lemon flavor. U. S. v. 42 Dozen Jugs of Imitation Lemon Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21701. I. S. Nos. 12884-x, 12896-x. S. No. W-2099.)

On March 3, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 42 dozen jugs of imitation lemon flavor, remaining in the original unbroken packages at Everett, Wash., alleging that the article had been shipped by the Blackstone Manufacturing Co., from Newark, N. J., September 1, 1926, and transported from the State of New Jersey into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Jug) "Blackstone's Best Brand Imitation Lemon Flavor Composed of Oil of Lemon Terpeneless, Glycerin, Citric Acid, Citral, Terpeneless Lemon Extract, Harmless Artificial Color and Water. Blackstone Manufacturing Co. Newark, N. J. Contents 3 Fluid Oz."

It was alleged in the libel that the article was adulterated, in that a substance containing no ingredient or combination of ingredients that would produce the stated flavor, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "Best Brand Imitation Lemon Flavor Composed of Oil of Lemon Terpeneless, * * * Citric Acid, Citral, Terpeneless Lemon Extract * * * Contents 3 Fluid Oz.," were false and misleading and deceived and misled the purchaser, and for the further reason that the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 5, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15435. Adulteration of chestnuts. U. S. v. 67 Barrels and 22 Barrels of Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22117. I. S. No. 20937-x. S. No. 155.)

On October 25 and November 3, 1927, respectively, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 89 barrels of chestnuts, at New York, N. Y., alleging that the article had been shipped in foreign commerce into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration was alleged in the libels for the reason that the article consisted in whole or in part of a filthy, decomposed, or putrid substance, to wit, decomposed and moldy nuts.

On November 12, 1927, the two cases having been consolidated into one cause of action, and Alfred Rocca, New York, N. Y., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,068, conditioned in part that the nuts be sorted and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

15436. Adulteration of chestnuts. U. S. v. 1,000 Cases of Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22122. I. S. No. 20945-x. S. No. 168.)

On October 31, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,000 cases of chestnuts, remaining in the original unbroken packages at New York, N. Y., consigned by F. Vitelli & Sons, Naples, Italy, arriving at New York about December 1, 1926, alleging that the article had been shipped from Italy, in foreign commerce into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "F. Vitelli & Figli * * * Naples * * * Italy."

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid substance, to wit, moldy, decomposed, and wormy nuts.

On November 14, 1927, F. Vitelli & Sons, New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$12,000, conditioned in part that the nuts be sorted and the bad portion destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

15437. Adulteration of shell eggs. U. S. v. 14 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21994. I. S. No. 13101-x. S. No. 10.)

On July 7, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 14 cases of eggs, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Angora Mercantile Co., Angora, Nebr., alleging that the article had been shipped from Angora, Nebr., on or about June 23, 1927, and transported from the State of Nebraska into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "From Angora Mercantile Company * * * Angora, Nebraska."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance, to wit, decomposed and rotten eggs.

On November 12, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15438. Adulteration of butter. U. S. v. 13 Tubs of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22106. I. S. No. 21226-x. S. No. 134.)

On October 5, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 13 tubs of butter, remaining in the original unbroken packages at Baltimore, Md., consigned about September 23, 1927, alleging that the article had been shipped by the Ideal Butter & Egg Co., Inc., from New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was adulterated, in that a substance low in milk fat and containing cottonseed and peanut oils, and other fats other than milk fat, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On December 19, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

- 15439. Misbranding of meat and bone scraps and meat scraps.** U. S. v. 156 Bags, et al., of Meat and Bone Scrap. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22243. I. S. No. 11877-x, 11878-x, 11879-x. S. No. 296.)

On December 1, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 400 bags of meat and bone scraps and meat scraps, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by G. Weiss' Sons, Inc., from Brooklyn, N. Y., on or about November 18, 1927, and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article consisted of 3 lots labeled, in part, respectively: "Cornell B Brand 50% Meat and Bone Scraps Guaranteed Analysis Protein 50%;" "Cornell B Brand Special 55% Meat Scraps Guaranteed Analysis Protein 55%;" "'Feed The Best' Mebo-Meat and Bone Scraps for Poultry, Analysis Minimum Crude Protein 50% * * * Manufactured by G. Weiss' Sons, Inc. * * * Brooklyn, N. Y."

It was alleged in the libel that the article was misbranded, in that the statements "Protein 50%," "Protein 55%," and "Minimum Crude Protein, 50%," borne on the respective labels, were false and misleading and deceived and misled purchasers.

On December 16, 1927, G. Weiss' Sons, Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,800, conditioned in part that it not be sold or disposed of until relabeled to show the protein content.

W. M. JARDINE, *Secretary of Agriculture.*

- 15440. Adulteration of shelled walnuts.** U. S. v. 8 Cases, et al., of Shelled Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22105. I. S. Nos. 20939-x, 21097-x. S. No. 158.)

On October 21, and October 25, 1927, respectively, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 21 cases of shelled walnuts, remaining in the original unbroken packages at New York, N. Y., consigned in part by Joseph Boyer & Co., Sarlat, France, about November 4, 1926, and in part by J. Maisonneure, Bordeaux, France, entered December 9, 1926, alleging that the article had been shipped from France into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, excessive wormy and decomposed nut meats.

On January 9, 1928, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

- 15441. Adulteration of dried figs.** U. S. v. 188 Cases of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22104. I. S. No. 16567-x. S. No. 148.)

On October 19, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 188 cases of dried figs, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Anton Beban, from Madera, Calif., on or about August 22, 1927, and transported from the State of California into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "California, Packed * * * by Anton Beban, Madera, Cal."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy, moldy, sour, and bird-pecked figs.

On January 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15442. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22050. I. S. No. 16470-x. S. No. 72.)

On August 23, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by W. Robbins, from Rockville, Me., August 22, 1927, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 4, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15443. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22056. I. S. No. 16472-x. S. No. 93.)

On September 1, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 6 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Mrs. J. H. Anderson, from Rockland, Me., August 31, 1927, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 4, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15444. Adulteration of canned cherries. U. S. v. 138 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20904. I. S. No. 5032-x. S. No. E-5647.)

On March 4, 1926, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 138 cases of canned cherries, at Richmond, Va., alleging that the article had been shipped by the Victor Food Corporation, Victor, N. Y., on or about August 14, 1925, and transported from the State of New York into the State of Virginia, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 13, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15445. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22048. I. S. No. 7699-x. S. No. 74.)

On August 24, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 crates of blueberries, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by K. Salminen, from Rockland, Me., August 23, 1927, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On October 4, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15446. Adulteration of eggs. U. S. v. 600 Cases of Eggs. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22032. I. S. No. 14335-x. S. No. 51.)

On July 28, 1927, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 600 cases of eggs, remaining unsold in the original cases at Louisville, Ky., consigned by J. Winkler & Sons, Dale, Ind., July 23, 1927, alleging that the article had been shipped in interstate commerce from Dale, Ind., into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On August 2, 1927, Armour Creameries, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$5,000, conditioned in part that the decomposed eggs be separated from the sound eggs and the former destroyed.

W. M. JARDINE, *Secretary of Agriculture.*

15447. Misbranding of mineral water. U. S. v. 5 Cases Crazy Mineral Water #3, et al. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 22175. I. S. Nos. 19169-x, 19170-x. S. No. 225.)

On November 17, 1927, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 cases of Crazy mineral water No. 3, and 20 cases of Crazy mineral water No. 4, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Crazy Well Water Co., Mineral Wells, Texas, on or about October 24, 1927, and transported from the State of Texas into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "No. 3 Crazy (or "No. 4 Crazy") * * * The Crazy Well Water Company, Mineral Wells, Texas."

It was alleged in the libel that the article was misbranded, in that the statements, "Rheumatism, Constipation, Functional Stomach Diseases, Liver Diseases, (Not Organic) Cystitis, Etc. * * * Diabetes, Bright's Disease, Etc.," borne on the label, were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 27, 1927, the Crazy Well Water Co., Mineral Wells, Texas, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by dumping the water, and that the empty bottles and cases be returned to the said claimant.

W. M. JARDINE, *Secretary of Agriculture.*

15448. Adulteration of fig paste. U. S. v. 12 Cases of Fig Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22168. I. S. No. 17707-x. S. No. 219.)

On November 18, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 cases of fig paste, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., from San Francisco, Calif., on or about October 31, 1927, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "White Ribbon Brand Adriatic Fig Paste, Produced and Packed by California Peach & Fig Growers * * * Fresno, California."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 12, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15449. Adulteration of apples. U. S. v. 127 Baskets of Winesap Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22174. I. S. Nos. 14737-x, 20116-x. S. No. 227.)

On November 16, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 127 baskets of winesap apples, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Delsea Orchards, Glassboro, N. J., alleging that the article had been shipped from Glassboro, N. J., on or about November 12, 1927, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that the said apples showed the presence of lead and arsenic which might have rendered them injurious to health.

On December 5, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15450. Adulteration of shelled walnuts. U. S. v. 16 Cases of Shelled Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22107. I. S. No. 21098-x. S. No. 156.)

On October 25, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 cases of shelled walnuts, remaining in the original unbroken packages at New York, N. Y., consigned by Joseph Lacroix, Romans, France, arriving at New York, N. Y., about June 13, 1927, alleging that the article had been shipped from France into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid substance, to wit, excessive wormy and decomposed nuts.

On November 17, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

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United States Department of Agriculture

FOOD, DRUG, AND INSECTICIDE ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

15451-15500

[Approved by the Secretary of Agriculture, Washington, D. C., May 22, 1928]

15451. Adulteration of shelled walnuts. U. S. v. 12 Cases of Shelled Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22113. I. S. No. 20943-x. S. No. 157.)

On October 26, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 12 cases of shelled walnuts, remaining in the original unbroken packages at New York, N. Y., consigned by the Bremen Colonial & China Trading Co., Tientsin, China, arriving at New York, N. Y., about April 7, 1927, alleging that the article had been shipped from China into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid substance, to wit, excessive wormy and decomposed nuts.

On November 17, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15452. Adulteration of shelled walnuts. U. S. v. 57 Cases of Shelled Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 22114, 22115. I. S. Nos. 20941-x, 20942-x. S. No. 154.)

On October 26, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 57 cases of shelled walnuts, remaining in the original unbroken packages at New York, N. Y., consigned by Joseph Boyer, Bordeaux, France, arriving at New York about November 12, 1926, alleging that the article had been shipped from France into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid substance, to wit, excessive wormy and decomposed nuts.

On November 17, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15453. Adulteration of walnut halves. U. S. v. 4 Cases of Walnut Halves. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22138. I. S. No. 21225-x. S. No. 197.)

On November 10, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 cases of walnut halves, remaining in the original unbroken packages at New York, N. Y., consigned by Th. Burg & Fils, Bordeaux,

France, about October 7, 1926, alleging that the article had been shipped in foreign commerce, from Bordeaux, France, into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy, moldy, and decomposed halves.

On December 1, 1927, W. R. Grace & Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$200, conditioned in part that the good nuts be separated from the bad, and the latter destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

15454. Adulteration of fig paste. U. S. v. 700 Boxes of Fig Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22038. I. S. Nos. 1866-x, 1867-x. S. No. 80.)

On August 31, 1927, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 700 boxes of fig paste, remaining in the original unbroken packages at Indianapolis, Ind., alleging that the article had been shipped by the California Packing Corporation, Fresno, Calif., July 15, 1927, and transported from the State of California into the State of Indiana, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Boxes) : "Roeding Brand Fig Paste Packed by Roeding Fig and Olive Company, Fresno, Calif."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, and was at that time unfit for human consumption.

At the November, 1927, term of court, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15455. Adulteration of fig bars. U. S. v. 112 Boxes of Fig Bars. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22133. I. S. No. 17505-x. S. No. 183.)

On November 5, 1927, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 112 boxes of fig bars, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Zion Institutions & Industries, Zion, Ill., alleging that the article had been shipped from Zion, Ill., on or about April 15, 1927, and transported from the State of Illinois into the State of California, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Zion Fig Bars, Zion Institutions & Industries, Zion, Illinois."

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On or about December 13, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15456. Adulteration of chestnuts. U. S. v. 50 Barrels of Chestnuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22249. I. S. No. 23680-x. S. No. 307.)

On December 2, 1927, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 50 barrels of chestnuts, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by J. Molunth, from New York, N. Y., November 22, 1927, and transported from the State of New York into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On December 5, 1927, Garibaldi & Cuneo, Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that the nuts be sorted, the bad portion destroyed, and the good portion released.

W. M. JARDINE, *Secretary of Agriculture.*

15457. Adulteration of figs. U. S. v. 33 Boxes of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22100. I. S. No. 17275-x. S. No. 145.)

On or about October 19, 1927, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 33 boxes of figs, remaining in the original unbroken packages at Yakima, Wash., consigned by the Sunland Sales Cooperative Assoc., Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., on or about September 15, 1927, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Choice Mission Figs. Produced and Packed by California Peach & Fig Growers, Fresno, California."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 3, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15458. Adulteration and misbranding of scallops. U. S. v. George H. Turner and William Spencer Smith (Turner, Smith & Co.). Pleas of guilty. Fine, \$25. (F. & D. No. 21602. I. S. Nos. 7744-x, 16451-x.)

On October 25, 1927, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George H. Turner and William Spencer Smith, copartners, trading as Turner, Smith & Co., Wachapreague, Va., alleging shipment by said defendants, in part on or about January 26, 1927, and in part on or about February 22, 1927, from the State of Virginia into the State of Massachusetts, of quantities of scallops which were adulterated, and a portion of which were also misbranded. The article was contained in cans shipped in barrels, labeled in part: (Tag) "Turner, Smith & Co. * * * Wachapreague, Virginia * * * Packed 8 pounds to Can, 20 Gal. Scallops."

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and had been substituted in part for scallops, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, scallop solids, had been in part abstracted.

Misbranding was alleged with respect to the portion of the product shipped January 26, 1927, for the reason that the statement "8 Pounds to Can," borne on the tags attached to the barrels containing the said cans, was false and misleading in that the said statement represented that each of the cans contained 8 pounds of scallops, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 8 pounds of scallops, whereas the cans containing the said portion of the product contained less than 8 pounds of scallops. Misbranding was alleged with respect to the said portion of the product for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 16, 1927, the defendants entered pleas of guilty to the information and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15459. Adulteration of butter. U. S. v. 55 Tubs of Butter. Decree of condemnation entered. Product released under bond. (F. & D. No. 22045. I. S. Nos. 14339-x, 14340-x, 14341-x. S. No. 69.)

On August 11, 1927, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 55 tubs of butter, remaining in the original unbroken packages at Louisville, Ky., alleging that the article had been shipped by the Orleans Creamery Co., Orleans, Ind., in various consignments, on May 28, June 8, and June 18, 1927, respectively, and transported from the State of Indiana into the State of Kentucky, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

On September 29, 1927, the Orleans Creamery Co., Orleans, Ind., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant, upon the execution of a bond in the sum of \$2,000, conditioned in part that the butter be brought into compliance with the law under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15460. Adulteration of tomato catsup. U. S. v. Thomas Page. Plea of guilty. Fine, \$100. (F. & D. Nos. 19353, 19647. I. S. Nos. 2499-v, 16129-v, 17092-v.)

On May 26 and June 15, 1925, respectively, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against Thomas Page of Albion, N. Y., alleging shipment by said defendant, in various consignments, on or about March 11 and May 27, 1924, from the State of New York into the State of Pennsylvania, and on or about August 2, 1924, from the State of New York into the State of West Virginia, of quantities of tomato catsup, which was adulterated. The article was labeled, in part: "Page Brand (or "Royal Kitchen Brand") * * * Tomato Catsup * * * Packed by Thos. Page (or "Thomas Page") Albion, N. Y."

It was alleged in the informations that the article was adulterated, in that it consisted in whole or in part of a filthy, putrid, and decomposed vegetable substance.

On November 28, 1927, the two informations having been consolidated, the defendant entered a plea of guilty, and the court imposed a fine of \$100.

W. M. JARDINE, *Secretary of Agriculture.*

15461. Adulteration and misbranding of asparagus tips. U. S. v. 550 Cases of Asparagus. Product ordered released under bond to be re-labeled. (F. & D. No. 22063. I. S. No. 19580-x. S. No. 102.)

On September 19, 1927, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 550 cases of asparagus, remaining in the original unbroken packages at Minnesota Transfer, Minn., alleging that the article had been shipped by the Golden State Asparagus Co., from San Francisco, Calif., July 21, 1927, and transported from the State of California into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cans) "Emerald Tip (Cut of asparagus tips) * * * Brand Asparagus Too-Lee Ranch, Grand Island, Sacramento River," (cases) "Emerald Brand California Asparagus, Packed by Golden State Asparagus Co., San Francisco, California."

It was alleged in the libel that the article was adulterated, in that asparagus soup cuts had been substituted wholly or in part for the article, and in that asparagus center cuts and butts had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged for the reason that the statements "Emerald Tip Brand Asparagus, Too-Lee Ranch, Grand Island, Sacramento River,"

together with pictorial design of asparagus tips, borne on the label, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of or offered for sale under the name of another article.

On November 3, 1927, the Golden State Asparagus Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,700, conditioned that it be relabeled in a manner approved by this department, and should not be sold or disposed of in violation of the law. On November 19, 1927, the claimant filed an admission of the allegations contained in the libel.

W. M. JARDINE, *Secretary of Agriculture.*

15462. Adulteration of oysters. U. S. v. Bowers Oyster Co. Plea of guilty. Fine, \$20. (F. & D. No. 21578. I. S. No. 13772-x.)

On April 22, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Bowers Oyster Co., a corporation, Bowers, Del., alleging shipment by said company, in violation of the food and drugs act, on or about October 19, 1926, from the State of Delaware into the State of New York, of a quantity of oysters, which were adulterated.

It was alleged in the information that the article was adulterated, in that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for oysters, which the said article purported to be.

On November 7, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

W. M. JARDINE, *Secretary of Agriculture.*

15463. Adulteration of butter. U. S. v. 3 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21772. I. S. No. 7824-x. S. No. E-6027.)

On March 11, 1927, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 3 boxes of butter, remaining in the original unbroken packages at Baltimore, Md., consigned March 3, 1927, alleging that the article had been shipped by the Fred C. Mansfield Co., Johnson Creek, Wis., from Chicago, Ill., and transported from the State of Illinois into the State of Maryland, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance low in butterfat had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted wholly or in part for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

On October 7, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15464. Misbranding of butter. U. S. v. 30 Cases of Butter. Product ordered released under bond. (F. & D. No. 21860. I. S. Nos. 15500-x, 15501-x. S. No. C-5451.)

On April 1, 1927, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel praying seizure and condemnation of 30 cases of creamery butter, at Mobile, Ala., alleging that the article had been shipped by the Hanford Produce Co., from Sioux City, Iowa, on or about March 19, 1927, and transported from the State of Iowa into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Retail cartons) "Hanfords Fancy Creamery Butter * * * Hanford Produce Co., Sioux City, Iowa * * * 1 pound net (or $\frac{1}{4}$ Lb. Net Weight)."

Misbranding of the article was alleged in the libel for the reason that the statements "1 pound net," and "1/4 pound net weight," appearing on the pound and quarter pound cartons, respectively, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the quantities stated on the packages, respectively, were not correct.

On April 6, 1927, the James McPhillips Grocery Co., Mobile, Ala., having appeared as claimant for the property, and having admitted the allegations of the libel, judgment was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$1,000, conditioned in part that it be reconditioned, repacked, and relabeled, under the supervision of this department, and it was further ordered by the court that upon the reconditioning of the product and the approval of this department the cause be dismissed at the cost of the claimant.

W. M. JARDINE, *Secretary of Agriculture.*

15465. Adulteration of shredded figs. U. S. v. 35 Bags of Shredded Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22067. I. S. No. 17287-x. S. No. 107.)

On September 23, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 bags of shredded figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., from Fresno, Calif., August 16, 1927, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Shredded Figs Calimyrna, California Peach & Fig Growers Association, Main Office, Fresno, California."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 23, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15466. Adulteration of muffin figs. U. S. v. 350 Boxes of Muffin Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22282. I. S. No. 17671-x. S. No. 331.)

On December 19, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 350 boxes of muffin figs, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Sunland Sales Cooperative Assoc., Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., on or about December 1, 1927, and transported from the State of California into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Ribbon Brand Muffin Figs, Produced and Packed by California Peach & Fig Growers Association."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, an analysis of a sample showing the product to be insect-infested.

On January 9, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15467. Adulteration of figs. U. S. v. 55 Boxes of Muffin Figs, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22026, 22075, 22077. I. S. Nos. 12709-x, 12710-x, 13111-x, 13112-x, 13189-x. S. Nos. 67, 118, 124.)

On August 24, September 30, and October 13, 1927, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 55 boxes of muffin

figs, 28 cases of dried white figs, and 51 boxes of dried black figs, remaining in the original unbroken packages at Denver, Trinidad, and Grand Junction, Colo., respectively, consigned by the Sunland Sales Cooperative Assoc., Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., in various consignments, between the dates of March 21 and September 7, 1927, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part, variously: "Blue Ribbon Brand Muffin Figs Produced and Packed by California Peach & Fig Growers Association," "Lily Brand California Choice White Figs. Rosenberg Bros. & Co., California," "Blue Ribbon Brand Choice Mission Figs Produced and Packed by California Peach & Fig Growers, Main Office, Fresno, Calif."

It was alleged in the libels that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 26 and 27, 1927, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15468. Misbranding of butter. U. S. v. 5 Cases and 10 Cases of Butter. Decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 22119, 22136. I. S. Nos. 19176-x, 19178-x. S. Nos. 152, 166.)

On or about October 1 and 6, 1927, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 15 cases of butter, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the H. C. Christians Co., from Chicago, Ill., in part on or about September 26, 1927, and in part on or about October 4, 1927, and transported from the State of Illinois into the State of Louisiana, and charging misbranding in violation of the food and drugs act, as amended. The article was labeled in part: (Carton) "Ayrshire Brand * * * Creamery Butter Sold by H. C. Christians Co., Johnson Creek, Wis. * * * Contents 1 Pound Net."

It was alleged in the libels that the article was short in weight and misbranded, in that the statement "1 Pound Net," borne on the label, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 4 and October 7, 1927, respectively, the H. C. Christians Co., Johnson Creek, Wis., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$225, conditioned in part that it be reworked and reconditioned to comply with the law.

W. M. JARDINE, *Secretary of Agriculture.*

15469. Adulteration of canned peas. U. S. v. 17 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22192. I. S. Nos. 20060-x, 20061-x. S. No. 250.)

On November 19, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 cases of canned peas, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Egypt Canning Co., Penn Yan, N. Y., alleging that the article had been shipped from Penn Yan, N. Y., on or about August 25, 1927, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in part of a filthy, decomposed, or putrid vegetable substance.

On December 12, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15470. Adulteration of canned salmon. U. S. v. 75 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22092. I. S. Nos. 12967-x, 12968-x. S. No. 138.)

On October 10, 1927, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 75 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sunnypoint Packing Co., from Seward, Alaska, on August 14, 1927, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On December 23, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15471. Adulteration and misbranding of butter. U. S. v. Larsen-Fenn Co., Inc. (Valdosta Creamery). Plea of nolo contendere. Fine, \$25. (F. & D. No. 19798. I. S. No. 7492-x.)

On June 4, 1927, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, an information against the Larsen-Fenn Co., Inc., a corporation, trading as the Valdosta Creamery, Valdosta, Ga., alleging shipment by said company, on or about April 16, 1926, from the State of Georgia into the State of Florida, of a quantity of butter which was adulterated and misbranded.

Examination by this department of four subdivisions from the shipment showed an average milk fat content of 75.09 per cent.

It was alleged in the information that the article was adulterated, in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading in that the said statement represented that the said article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by law, whereas it was a product which did not contain 80 per cent by weight of milk fat, but did contain a less amount.

On September 19, 1927, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

W. M. JARDINE, *Secretary of Agriculture.*

15472. Adulteration of canned sweet potatoes. U. S. v. 220 Cases of Canned Sweet Potatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22299. I. S. No. 15831-x. S. No. 272.)

On December 15, 1927, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 220 cases of canned sweet potatoes, at Cincinnati, Ohio, consigned by the John W. Taylor Packing Co., Hallwood, Va., about October 5, 1927, alleging that the article had been transported in interstate commerce from the State of Virginia into the State of Ohio, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Hallwood Brand Packed by John W. Taylor Packing Co., Hallwood, Va. * * * Sweet Potatoes."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 6, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15473. Adulteration of walnut halves. U. S. v. 135 Cases of Walnut Halves. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22090. I. S. No. 21426-x. S. No. 115.)

On October 13, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 135 cases of walnut halves, remaining in the original unbroken packages at New York, N. Y., consigned by Antonio Vilanova, alleging that the article had been shipped from Rens (Reus), Spain, in part on or about April 5, 1927, and in part on or about April 13, 1927, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, wormy, decomposed, and rancid nuts.

On October 26, 1927, Charles Jacobs & Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, conditioned in part that the good nuts be separated from the bad and the latter destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

15474. Adulteration of ice cream cones. U. S. v. 154,000 Ice Cream Cones, et al. Decrees of forfeiture entered. Product released under bond. (F. & D. Nos. 21094, 21103. I. S. Nos. 467-x to 470-x, incl. S. Nos. W-1980, W-1982.)

On or about June 17, 1926, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 520,000 ice cream cones, remaining in the original unbroken packages at Denver, Colo., consigned by the Roberts Cone Manufacturing Co., St. Joseph, Mo., alleging that the article had been shipped from St. Joseph, Mo., in part on or about July 15, 1925, and in part on or about April 7, 1926, and transported from the State of Missouri into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Roberts Selfast Cake Cones, Manufactured by Roberts Cone Company, St. Joseph, Missouri," or "Roberts 'Goodie Cones' * * * Baked by Roberts Cone Mfg. Co., St. Joseph, Mo."

It was alleged in substance in the libels that the article had been transported in interstate commerce in violation of section 7 of the act, in that a substance, to wit, saccharin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength; for the further reason that a substance, to wit, saccharin, had been substituted in part for the said article, that is, for sugar, the normal sweetening ingredient of ice cream cones; and for the further reason that the article contained an added poisonous or other added deleterious ingredient, to wit, saccharin, so as to render the said article injurious to health.

On October 16, 1926, the Roberts Cone Manufacturing Co., St. Joseph, Mo., having appeared as claimant for the property, judgments of forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds totaling \$1,500, conditioned in part that it be used for hog feed.

W. M. JARDINE, *Secretary of Agriculture.*

15475. Adulteration of walnuts. U. S. v. 200 Bags of Walnuts. Consent decree of condemnation and forfeiture. Product released under bond to be exported. (F. & D. No. 22188. I. S. No. 21462-x. S. No. 236.)

On November 21, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 200 bags of walnuts, remaining in the original unbroken packages at New York, N. Y., consigned by Luigi Vitelli & Figlio, Naples, Italy, in foreign commerce into the State of New York, alleging that the article

had been shipped from Italy, about November 6, 1926, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, excessive wormy, moldy, shriveled, and decomposed nuts.

On December 28, 1927, Abel Reggio, having appeared as claimant for the property as agent of Luigi Vitelli & Figlio, Naples, Italy, and said claimant having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, conditioned in part that it be reshipped to the owners at Naples, Italy.

W. M. JARDINE, *Secretary of Agriculture.*

15476. Adulteration of walnut meats. U. S. v. 4 Cases of Walnut Meats Default decree of condemnation, forfeiture, and destruction (F. & D. No. 22272. I. S. No. 21222-x. S. No. 315.)

On December 8, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 4 cases of walnut meats, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Olivier & Cie, from Tientsin, China, on or about January 26, 1927, and transported in foreign commerce into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, excessive wormy and decomposed meats.

On January 5, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15477. Adulteration of cashew nuts. U. S. v. 5 Boxes of Cashew Nuts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22285. I. S. No. 21671-x. S. No. 336.)

On December 13, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 5 boxes of cashew nuts, remaining in the original unbroken packages at New York, N. Y., consigned by Shanker Balkrishna Torney, Bombay, India, alleging that the article had been imported from Bombay, India, into the State of New York, on or about April 8, 1927, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, to wit, wormy nuts.

On December 21, 1927, Charles Jacobs and Henry de Jongh, copartners, trading as Charles Jacobs & Co., New York, N. Y., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that the good nuts be separated from the bad nuts, and the rejections destroyed or denatured.

W. M. JARDINE, *Secretary of Agriculture.*

15478. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22294. I. S. No. 9571-x. S. No. 352.)

On December 15, 1927, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 500 sacks of cottonseed meal, at Cedar Rapids, Iowa, alleging that the article had been shipped by the Planters Cottonseed Products Co., from Dallas, Tex., on or about December 6, 1927, and had been transported from the State of Texas into the State of Iowa, and charging misbranding in viola-

tion of the food and drugs act. The article was labeled in part: "Golden Rod 43 Per Cent Protein Cottonseed Meal, Prime Quality, Manufactured by Planters Cottonseed Products Company, Dallas, Texas, Guaranteed Analysis, Crude Protein not less than 43 per cent."

Misbranding of the article was alleged in the libel for the reason that the statements "43 Per Cent Protein," and "Crude Protein not less than 43 per cent," borne on the label, were false and misleading and deceived and misled the purchaser.

On January 23, 1928, the Planters Cottonseed Products Co., Dallas, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it not be sold or otherwise disposed of contrary to law, and be relabeled to show the true contents of the article before being sold and placed on the market.

W. M. JARDINE, *Secretary of Agriculture.*

15479. Adulteration and misbranding of cottonseed meal and cottonseed cake. U. S. v. Richard K. Wootten, Effie D. Wootten, James W. Simmons, George A. Simmons, and Robert R. Gilliland (Quanah Cotton Oil Co.). Pleas of guilty. Fine, \$120. (F. & D. No. 21565. I. S. Nos. 423-x, 424-x, 431-x, 441-x, 442-x, 443-x, 452-x.)

On November 2, 1927, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Richard K. Wootten, Effie D. Wootten, James W. Simmons, George A. Simmons, and Robert R. Gilliland, copartners trading as the Quanah Cotton Oil Co., Quanah, Tex., alleging shipment by said defendants, in violation of the food and drugs act, in various consignments on or about February 1, February 12, March 6, and March 8, 1926, respectively, in part into the State of Colorado and in part into the State of New Mexico, of quantities of cottonseed meal and cottonseed cake, which were adulterated and misbranded. The articles were labeled in part: "43% Protein Cottonseed Cake (or "Meal") * * * Manufactured by Quanah Cotton Oil Company, Quanah, Texas, Guaranteed Analysis Crude Protein not less than 43.00 Per Cent."

Analysis by this department of samples of the products from the various shipments showed a protein content of from 39.31 to 41.05 per cent.

Adulteration of the articles was alleged in the information for the reason that products which contained less than 43 per cent of protein had been substituted for 43 per cent protein cottonseed cake or meal, which the articles purported to be.

Misbranding was alleged for the reason that the statements, to wit, "43% Protein Cottonseed Cake Prime Quality," or "43% Protein Cottonseed Meal Prime Quality," borne on the labels, were false and misleading in that the said statements represented that the articles contained 43 per cent of protein, and for the further reason that the said articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained 43 per cent of protein, whereas they did not, but did contain a less amount.

On February 9, 1928, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$120.

W. M. JARDINE, *Secretary of Agriculture.*

15480. Misbranding of cottonseed cake and cottonseed meal. U. S. v. Planters Cottonseed Products Co. Plea of guilty. Fine, \$320. (F. & D. No. 22527. I. S. Nos. 4135-x, 4144-x, 4145-x, 4147-x, 4163-x, 15035-x, 15428-x, 15430-x.)

On November 10, 1927, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Cottonseed Products Co., a corporation, Dallas, Tex., alleging shipment by said company, in various consignments between the dates of November 15, 1926, and January 14, 1927, from the State of Texas into the States of Kansas, Nebraska, and Montana, respectively, of quantities of cottonseed cake and meal, which were misbranded. The article was labeled in part: "Guaranteed Analysis Protein Not less than 43 per cent," or "Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

Examination by this department of samples of the products from the various shipments showed that they contained from 39.44 to 41.43 per cent protein.

It was alleged in the information that the articles were misbranded, in that the statements, to wit, "Guaranteed Analysis Protein Not less than 43 per cent," or "Guaranteed Analysis Crude Protein not less than 43.00 Per Cent," borne on the tags attached to the sacks containing the said articles, were false and misleading in that the said statements represented that the articles contained not less than 43 per cent of protein, or 43 per cent of crude protein, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they contained 43 per cent of protein, or 43 per cent of crude protein, whereas they did not, but did contain a less amount.

On February 6, 1928, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$320.

W. M. JARDINE, Secretary of Agriculture.

15481. Adulteration and misbranding of ground walnuts. U. S. v. 8 Cans of Ground Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22172. I. S. No. 19171-x. S. No. 224.)

On November 16, 1927, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 8 cans of ground walnuts, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Bordo Products Co., Chicago, Ill., on or about September 10, 1927, and transported from the State of Illinois into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Extra Quality Bordo Granulated Walnuts, Bordo Products Co. Chicago."

It was alleged in the libel that the article was adulterated, in that cereal products had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Granulated Walnuts," borne on the label, was false and misleading and deceived and misled purchasers, and for the further reason that the article was offered for sale under the distinctive name of another article.

On December 21, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, Secretary of Agriculture.

15482. Adulteration of fig paste and muffin figs. U. S. v. 10 Cases of Fig Paste, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22134, 22212. I. S. Nos. 17651-x, 17665-x. S. Nos. 185, 267.)

On November 5, and November 23, 1927, respectively, the United States attorney for the Eastern District of Louisiana, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 10 cases of fig paste, and 20 cases of muffin figs, remaining in the original unbroken packages at New Orleans, La., alleging that the articles had been shipped by the Sunland Sales Cooperative Assoc., Fresno, Calif., the former on or about October 26, 1927, and the latter on or about November 14, 1927, and had been transported from the State of California into the State of Louisiana, and charging adulteration in violation of the food and drugs act. The articles were labeled in part: "Ribbon Brand Adriatic Fig Paste (or "Blue Ribbon Brand Muffin Figs") Produced and Packed By California Peach & Fig Growers Association * * * Fresno, California."

It was alleged in the libels that the articles were adulterated, in that they consisted in whole or in part of filthy, decomposed, or putrid vegetable substances unfit for food.

On December 21, 1927, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

W. M. JARDINE, Secretary of Agriculture.

15483. Adulteration of fig bars. U. S. v. 146 Boxes of Fig Bars. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22273. I. S. No. 12752-x. S. No. 317.)

On or about December 9, 1927, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 146 boxes of fig bars, remaining in the original unbroken packages at Spokane, Wash., alleging that the article had been shipped by the Old Mission Fig Bar Company, from Oakland, Calif., on or about November 11, 1927, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Old Mission Fig Bars Made by Mother's Cooky Co., Oakland Calif."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On January 5, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15484. Misbranding of cottonseed meal. U. S. v. 142 Bags of Cottonseed Meal. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 21745. I. S. No. 6349-x. S. No. E-6068.)

On March 22, 1927, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 142 bags of cottonseed meal, remaining unsold at Coochs Bridge, Del., alleging that the article had been shipped by the Greenville Oil Works from Greenville, Miss., on or about December 24, 1926, and transported from the State of Mississippi into the State of Delaware, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Protein not less than 41.00%, Fat not less than 6.00%, Fibre not more than 10.00%."

It was alleged in the libel that the article was misbranded, in that the statements "Guaranteed Analysis Protein not less than 41.00%, Fat not less than 6.00%, Fibre not more than 10.00%," borne on the label, were false and misleading and deceived and misled the purchaser.

On July 11, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the 5 bags of the product seized be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15485. Misbranding of butter. U. S. v. 102 Cases, et al., of Butter. Product ordered released under bond. (F. & D. No. 22029. I. S. Nos. 15521-x, 15522-x, 15523-x. S. No. 65.)

On or about July 28, 1927, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 239 cases of butter, remaining in the original packages at Mobile, Ala., alleging that the article had been shipped by Armour & Co., from Meridian, Miss., on or about July 21, 1927, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part, variously: (Retail cartons) "Armour's Cloverbloom Pasteurized Creamery Butter. Distributed by Armour Creameries, General Offices, Chicago, One Pound Net Weight;" "Morris' Supreme Pasteurized Creamery Butter One Pound Net Weight;" "Quality Hill Creamery Butter, pasteurized. Friedman Mfg. Co., exclusive distributors, Norfolk, Va., 1 Lb. Net Weight."

Misbranding of the article was alleged in the libel for the reason that the statements "One Pound Net Weight," appearing on the retail cartons of the "Cloverbloom" and "Morris' Supreme" brands, and "1 Lb. Net Weight" appearing on the retail cartons of the "Quality Hill" brand, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the cartons contained less than the quantity stated.

On July 30, 1927, Armour & Co., claimant, having admitted the allegations of the libel and having executed a bond in the sum of \$2,500, conditioned that the product should not be sold or disposed of until reweighed, repacked, and rebranded under the supervision of this department, judgment was entered ordering that the said product be released to the claimant, and that upon the reconditioning of the butter and the approval thereof by this department the cause be dismissed at the cost of the said claimant.

W. M. JARDINE, *Secretary of Agriculture*

15486. Adulteration and misbranding of meat and bone scrap. U. S. v. 35 Sacks of Meat and Bone Scrap. Product released under bond to be relabeled. (F. & D. No. 21134. I. S. No. 8337-x. S. No. E-5739.)

On June 16, 1926, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 35 sacks of meat and bone scrap, remaining in the original packages at Ozone Park, N. Y., alleging that the article had been shipped by the Atlan Manufacturing Co., from Jersey City, N. J., April 27, 1926, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Atlan's Diamond Pick Meat * * * Bone Scraps Manufactured by Atlan Mfg. Co., Jersey City, N. J., Guaranteed Analysis Protein 45%."

It was alleged in the libel that the article was adulterated, in that a substance, deficient in protein, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength, and had been substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Guaranteed Analysis Protein 45%," borne on the label, was false and misleading and deceived and misled the purchaser.

On July 14, 1926, the Atlan Manufacturing Co., Jersey City, N. J., having appeared as claimant for the property, it was adjudged and decreed by the court that, upon the filing by the claimant of a bond in the sum of \$150, conditioned that the product be relabeled "Guaranteed Analysis Protein 41%," and compliance with the terms thereof within 15 days from the entry of the decree, the case be dismissed without costs. It was further ordered by the court that upon failure to comply with the terms of the said decree the product be condemned and destroyed.

W. M. JARDINE, *Secretary of Agriculture*.

15487. Adulteration of cherries. U. S. v. 504 Crates of Cold-Packed Cherries. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22211. I. S. No. 20118-x. S. No. 263.)

On November 23, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 504 crates of cold-packed cherries, remaining in the original unbroken packages at Philadelphia, Pa., alleging that the article had been offered for transportation in interstate commerce, on or about November 23, 1927, from Philadelphia, Pa., into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 28, 1927, the Hudson Valley Packing Co., Sodus, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant, upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, conditioned in part that it be reconditioned under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture*.

15488. Adulteration of butter. U. S. v. 10 Tubs of Butter. Decree entered ordering product released under bond to be reworked. (F. & D. No. 22046. I. S. No. 15776-x. S. No. 75.)

On August 12, 1927, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, at Cleveland, Ohio, alleging that the article had

been shipped by the Land O'Lakes Creameries, Inc., from Minnesota Transfer, Minn., on or about August 2, 1927, and transported from the State of Minnesota into the State of Ohio, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat as prescribed by the act of March 4, 1923, which the said article purported to be.

On August 25, 1927, the Land O'Lakes Creameries, Inc., Minnesota Transfer, Minn., claimant, having admitted the allegations of the libel and having consented to the entry of an order in conformance with the prayer thereof, a decree was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, conditioned in part that it be reworked under the supervision of this department so as to contain not less than 80 per cent of milk fat by weight.

W. M. JARDINE, *Secretary of Agriculture.*

15489. Adulteration of fig bars. U. S. v. 17 Cases of Fig Bars. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22269. I. S. No. 17666-x. S. No. 310.)

On December 5, 1927, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 cases of fig bars, remaining in the original unbroken packages at San Francisco, Calif., consigned by the American Cracker Co., Seattle, Wash., alleging that the article had been shipped from Seattle, Wash., on or about November 1, 1927, and transported from the State of Washington into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On January 4, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15490. Adulteration and misbranding of macaroni. U. S. v. 21 Cases of Macaroni. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 22206. I. S. No. 13121-x. S. No. 259.)

On November 25, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 21 cases of macaroni, remaining in the original unbroken packages at Denver, Colo., consigned by Ravarino & Freschi Importing & Mfg. Co., St. Louis, Mo., alleging that the article had been shipped from St. Louis, Mo., on or about October 21, 1927, and had been transported from the State of Missouri into the State of Colorado; and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Fusilli * * * Manufactured by Ravarino & Freschi Importing & Mfg. Co., St. Louis, Mo."

It was alleged in the libel that the article was adulterated, in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of another article.

On February 13, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled "Imitation Egg Paste, Artificially Colored," and sold by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15491. Misbranding of cottonseed meal. U. S. v. 500 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 22125. I. S. No. 19182-x. S. No. 173.)

On October 31, 1927, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and

condemnation of 500 sacks of cottonseed meal, remaining in the original unbroken packages at Bridgewater, Mass., alleging that the article had been shipped by the Gulf Cotton Oil Co., Montgomery, Ala., on or about October 20, 1927, and transported from the State of Alabama into the State of Massachusetts, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Owl Brand 41 per cent Prime Cottonseed Meal * * * Protein minimum 41 per cent."

It was alleged in the libel that the article was misbranded, in that the statement "Minimum Protein 41 per cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On November 29, 1927, the Gulf Cotton Oil Co., Montgomery, Ala., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, conditioned in part that it not be sold or otherwise disposed of contrary to law. It was further ordered by the court that the product be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15492. Adulteration of figs. U. S. v. 77 Cases of Dried Black Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22001. I. S. No. 12708-x. S. No. 44.)

On August 3, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 77 cases of dried black figs, remaining in the original unbroken packages at Denver, Colo., consigned by Rosenberg Bros. & Co., Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., on or about May 31, 1927, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "State Center Brand Calif. Black Figs. Packed by Calif. Seedless Raisin Company, Fresno Calif."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 26, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15493. Adulteration of fig paste. U. S. v. 288 Cases of Fig Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22103. I. S. No. 13192-x. S. No. 150.)

On October 20, 1927, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 288 cases of fig paste, remaining in the original unbroken packages at Denver, Colo., consigned by Guggenheim & Co., Fresno, Calif., alleging that the article had been shipped from Fresno, Calif., on or about September 8, 1927, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled, in part: "Pansy * * * Brand California Fig Pulp, Prepared with Sulphur Dioxide, Guggenheim & Company, California."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 22, 1927, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15494. Adulteration of figs. U. S. v. 63 Cases of Black Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22085. I. S. No. 17301-x. S. No. 129.)

On or about October 10, 1927, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 63 cases of black figs, remaining in the original unbroken packages

at Lewiston, Idaho, alleging that the article had been shipped by the Sunland Sales Cooperative Assoc., Fresno, Calif., on or about July 17, 1927, and transported from the State of California into the State of Idaho, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Cases) "Mission Brand Choice Black Figs."

It was alleged in the libel that the article was adulterated, in that the said figs were wormy, filthy, decomposed, or putrid.

On November 12, 1927, no claimant having appeared for the property, judgment of the court was entered finding the product adulterated and subject to condemnation and forfeiture, and it was ordered by the court that the figs be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15495. Adulteration and misbranding of canned clams. U. S. v. 28 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22161. I. S. No. 21514-x. S. No. 214.)

On November 15, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 cases of canned clams, at New York, N. Y., alleging that the article had been shipped by J. W. Windsor, from Boston, Mass., on or about September 23, 1927, and transported from the State of Massachusetts into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Choice Clams, Little Neck * * * Beaver Brand Clams * * * Packed by J. W. Windsor, Limited, Little River, N. S. Packed in Canada," and also bore cut of unopened little neck clams in shell.

Examination of the article showed it to consist of soft clams.

It was alleged in the libel that the article was adulterated in violation of section 7 of the food and drugs act.

Misbranding was alleged for the reason that the statement, "Clams Little Neck," and the design showing unopened little neck clams, borne on the label, were false and misleading and deceived purchasers, and in that the article was offered for sale under the distinctive name of another article.

On December 16, 1927, J. W. Windsor, Ltd., Montreal, Canada, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15496. Adulteration of figs. U. S. v. 100 Boxes of White Figs, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 22054. I. S. Nos. 13177-x, 13181-x. S. No. 95.)

On or about October 19, and November 23, 1927, respectively, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 315 boxes of figs, at Amarillo, Texas, alleging that the article had been shipped by Garcia & Maggini Co., Fresno, Calif., on or about March 16, 1927, and transported from the State of California into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled, variously in part: "Progreso Brand Choice California Black Figs," "Bon Ton Brand Fancy California White Figs," "Paradise Brand Extra Choice California White Figs," "Progreso Brand Choice California White Figs."

It was alleged in substance in the libels that the article was adulterated, in that it consisted in part of a filthy, decomposed, or putrid substance, worms being present in the said figs, which made them unfit for food for human consumption.

On December 7, 1927, and January 2, 1928, no claimant having appeared for the property, and the court having found the allegations of the libels to be true and correct, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15497. Adulteration and misbranding of butter. U. S. v. 28 Cartons of So-Called Butter. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22183. I. S. No. 20855-x. S. No. 217.)

On November 23, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 cartons of so-called butter, remaining in the original unbroken packages at New York, N. Y., consigned by the Arlington Co., Providence, R. I., alleging that the article had been shipped on or about August 22, 1927, in interstate commerce into the State of New York and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "From Arlington Co. Arlington, R. I."

It was alleged in the libel that the article was adulterated, in that oils and fats other than butter had been mixed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article, and in that it was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the article was an imitation of another article.

On January 5, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15498. Adulteration of canned salmon. U. S. v. 120 Cases of Chum Canned Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22223. I. S. Nos. 17336-x, 17337-x. S. No. 292.)

On November 29, 1927, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 120 cases of canned chum salmon, remaining in the original unbroken packages at Astoria, Oreg., alleging that the article had been shipped by Thomas Nelson, from Oysterville, Wash., in part October 22, 1927, and in part October 25, 1927, and transported from the State of Washington into the State of Oregon, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On or about December 31, 1927, Thomas Nelson, Oysterville, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, conditioned in part that it not be sold or otherwise disposed of contrary to the law.

W. M. JARDINE, *Secretary of Agriculture.*

15499. Adulteration of chestnuts. U. S. v. 28 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22288. I. S. No. 20062-x. S. No. 338.)

On December 14, 1927, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 28 barrels of chestnuts, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Weiner Brokerage Co., Inc., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about November 21, 1927, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, an analysis of a sample of the product showing the presence of moldy and wormy chestnuts.

On January 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15500. Adulteration of canned tomatoes. U. S. v. 1,378 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22276. I. S. No. 12056-x. S. No. 323.)

On or about December 9, 1927, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,378 cases of canned tomatoes, at Mobile, Ala., alleging that the article had been shipped by Thomas Roberts & Co., from Canton, Md., on or about September 5, 1927, and transported from the State of Maryland into the State of Alabama, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Osceola Brand Tomatoes."

It was alleged in the libel that the article was adulterated, in that it consisted wholly or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On January 24, 1928, the Avant-Pace Co., Pensacola, Fla., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be shipped to Pensacola and there, under the supervision of this department, the swelled cans be destroyed and the remainder incubated for further salvage.

W. M. JARDINE, *Secretary of Agriculture.*

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